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# THE DEPARTMENT OF STATE

# BULLETIN

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377 Article by HENRY REIFF

### 384 Part III: The London Committees

#### 385 COMMITTEE 6, THE LEGAL COMMITTEE, OF THE GENERAL ASSEMBLY

386 The General Assembly sat at Central Hall, West-  
minster, London, from January 10 to February 14,  
1946. To Committee 6, the Legal Committee, of  
the General Assembly<sup>1</sup> was entrusted not only the  
work of its predecessor in the Preparatory Com-  
mission<sup>2</sup> for examination and report but also the  
performance of certain new tasks. It revised the  
convention relating to the seat of the United Na-  
tions prepared by Committee 8 of the Preparatory  
Commission. It considered and reported upon  
several of the provisional rules of the General  
Assembly. At the request of the Advisory Group  
of Experts on Administrative and Budgetary  
Questions,<sup>3</sup> it dealt with a matter relating to pen-  
sion rights of personnel transferring to Secret-  
ariat service. Though its predecessors in London  
had dealt with various aspects of the setting up of  
the new International Court of Justice, the con-  
troversy which developed in the General Assem-

bly and the Security Council with respect to the  
procedure in balloting for the judges was not  
referred for opinion to Committee 6.<sup>4</sup>

Of the several problems referred to it, those in-  
volving the provisional rules of the General As-  
sembly and privileges and immunities of the  
United Nations were the most difficult. Two large  
subcommittees were appointed to deal with these  
subjects. The United States was represented on

<sup>1</sup> For description of documentation, lists of delegates, and personnel of Secretariat, see [Handbook of] *United Nations, First Session of the General Assembly*, London, Jan. 10, 1946. For personnel of delegations assigned to committees, see A/7, Jan. 11, 1946, and its addenda. The Summary Records of the several committees appear as supplements to the *Journal* of the First Session of the General Assembly. The Summary Record of the Sixth Committee is uniformly designated as "Supplement No. 6" to the *Journal*.

<sup>2</sup> For initial terms of reference see A/BUR/7, Jan. 14, 1946, and A/9, Jan. 18, 1946.

<sup>3</sup> For composition, see Provisional Rules of Procedure for the General Assembly, Rules 37-39, A/4, Jan. 10, 1946.

<sup>4</sup> The controversy may be traced in the following: Memorandum of the Secretariat on the Election of Judges of the International Court of Justice, A/25, Jan. 31, 1946; *Journal* of the General Assembly, First Session, pp. 438, 440, 443, 468, 657, 619; *Journal* of the Security Council, First Year, Ninth Meeting, Feb. 6, 1946, pp. 143-168. As matters stood at adjournment, consideration of a request for an advisory opinion from the International Court of Justice on interpretation of articles 11 and 12 of the Statute of the Court (A/59) may apparently be renewed in the second part of the first session of the General Assembly when it convenes in Sept. 1946.

363 Dr. Reiff is an officer in the Division of International  
364 Organization Affairs, Office of Special Political Affairs,  
365 Department of State. He served as a technical expert  
with the Delegation of the United States to the United  
357 Nations Conference on International Organization at San  
359 Francisco. For Part I of this article dealing with the  
361 work of the "Legal Committees" at San Francisco, see  
363 BULLETIN of July 7, 1946, p. 3. For Part II, also on the  
"London Committees", see BULLETIN of Aug. 18, 1946,  
363 p. 302.

each of them.<sup>5</sup> A small subcommittee of five members was appointed to confer with a similar subcommittee of Committee 5 on the emoluments of the judges of the new Court.<sup>6</sup> As was the practice of technical committees at San Francisco, the Legal Committee availed itself of the presence of a rapporteur among its officers (Mr. John E. Read of Canada) for the performance of a variety of drafting services which in the Executive Committee and Preparatory Commission stages would have required the attention of a number of special small drafting subcommittees.

The resolutions and reports adopted by the General Assembly in the first part of its first session have been gathered together in a single number of its *Journal*, No. 34, under date of March 7, 1946. Some 14 distinct items appear in the section devoted to the product of the Sixth Committee.<sup>7</sup> The legal committee also participated in the extended discussion which developed over the terms of office of members elected to Councils. For present purposes, the less complicated of these numerous matters will be discussed first.

<sup>5</sup> To the subcommittee on rules of procedure, the representatives of 11 states were first appointed, not including the United States (Jan. 14, 1946, *Journal*, No. 6: Supp. No. 6—A/C. 6/5). When the agenda item relating to "Committee Structure" was referred to this subcommittee, representatives of the United States and the Soviet Union were added (Jan. 24, 1946, *Journal*, No. 14: Supp. No. 6—A/C. 6/13). When the proposed amendment by the delegation of Egypt to two of the provisional rules of procedure was referred to the subcommittee for study, the delegate of Egypt, who was not a member of the subcommittee, was invited by Committee 6 to attend the meetings of the subcommittee (*Journal*, No. 18: Supp. No. 6—A/C. 6/19). To the subcommittee on privileges and immunities the representatives of 16 members were appointed, including the United States (Jan. 24, 1946, *Journal*, No. 14: Supp. No. 6—A/C. 6/13).

<sup>6</sup> Jan. 28, 1946, *Journal*, No. 18: Supp. No. 6—A/C. 6/19. The United States was not represented on this subcommittee but it was represented on the correlative subcommittee of Committee 5, Administrative and Budgetary Questions (Jan. 29, 1946, *Journal*, No. 18: Supp. No. 5—A/C. 5/21).

<sup>7</sup> *Journal*, No. 34, pp. 685-706.

<sup>8</sup> Report of Committee 5, PC/LEG/32, Dec. 8, 1945; *Journal*, pp. 106-107.

<sup>9</sup> Memorandum concerning the International Court of Justice, submitted by the secretariat of the Sixth Committee, A/C.6/16, Jan. 26, 1946.

<sup>10</sup> *Supra*, n. 6.

<sup>11</sup> A/C.6/24, Jan. 31, 1946.

## MATTERS RELATING TO THE INTERNATIONAL COURT OF JUSTICE

So far as the United Nations could deal with any matter relating to the dissolution of the Permanent Court of International Justice, it was disposed of at the Preparatory Commission stage.<sup>8</sup> In as much as no further question concerning the procedure governing and the timing of the issuance of the invitations to nominate candidates for the new International Court of Justice was raised in the General Assembly, those matters may be taken to have been disposed of also at the Preparatory Commission stage. There remained to be attended to the following:<sup>9</sup> (1) the emoluments of the judges of the Court; (2) pensions of the judges and staff of the Court; (3) steps necessary for convening the Court; and (4) the privileges and immunities of the Court.

### EMOLUMENTS, PENSIONS, AND ALLOWANCES OF THE JUDGES

The small subcommittee of five appointed to confer with a correlative subcommittee of Committee 5 on Administrative and Budgetary Questions dealt with the question of the emoluments of the judges and was also directed to study the retirement pensions and allowances of the judges.<sup>10</sup> On February 4, 1946 the chairman of the joint subcommittee reported<sup>11</sup> to Committee 6 that it had accepted the view of the Preparatory Commission that the value of the emoluments of the judges of the new Court should be not less than that of the judges of the old Court during the period 1936 to 1939 and accordingly that those salaries should be increased by 20 percent to allow for the higher cost of living in The Hague since 1939. The allowances would remain the same as the allowances paid to the president and vice presidents of the old Court, but the allowances for judges *ad hoc* should be increased by 20 percent. The joint subcommittee also recommended that the General Assembly direct the Secretary-General "in consultation with the registrar of the Court to develop a pension plan for judges and registrar for submission to the second session of the General Assembly". Committee 6 amended the draft resolution to include the staff of the registrar in the pension plan. During the meeting consultations between the secre-

tariat of Committee 6 and the secretariat of Committee 5 having indicated that there would be no objection on the part of Committee 5 to the inclusion of a reference to the staff, the Committee adopted the amended recommendation unanimously.<sup>12</sup> The General Assembly adopted resolutions embodying these recommendations on February 6, 1946.<sup>13</sup>

#### CONVENING THE NEW COURT

In accord with the recommendation of the Preparatory Commission on the steps necessary to be taken for the convening of the International Court of Justice,<sup>14</sup> the rapporteur of Committee 6 submitted a draft resolution<sup>15</sup> on the subject for consideration by the committee. It recited that the Executive Secretary of the Preparatory Commission had ascertained in correspondence with the secretary of the Board of Directors of the Carnegie Foundation that the board was "willing to meet representatives at The Hague to begin preliminary negotiations in order to fix the conditions on which the Premises in the Peace Palace at the Hague, which are required by the International Court of Justice, can be placed at the disposal of the Court." The draft resolution, following the lines of the recommendation of the Preparatory Commission, provided for instructing the Secretary-General (a) to take the necessary steps to summon a first meeting of the Court at The Hague, and (b) to appoint a secretary and other needful temporary officers to assist the Court until its registrar and officers should be appointed. It added an instruction to the Secretary-General (c) to conduct preliminary negotiations with the Board of Directors of the Carnegie Foundation with respect to the use of the premises by the new Court, the conditions to be "embodied in an agreement subject to the approval of the General Assembly". Committee 6 agreed unanimously to this proposal and requested the rapporteur to draft the appropriate recommendation for submission to the General Assembly.<sup>16</sup> With the necessary stylistic changes, this resolution was approved by the General Assembly on February 10, 1946.<sup>17</sup>

#### PRIVILEGES AND IMMUNITIES OF THE NEW COURT

In view of the fact that special provision was made in the Statute of the International Court

of Justice for its privileges and immunities and those of agents, counsel, and advocates of parties before it, and that arrangements<sup>18</sup> separate from those relating to the League of Nations had been made by the old Court itself with the Netherlands Government, the Preparatory Commission had recommended that the matter of arranging for the privileges and immunities of the new Court be left over until it had been constituted and could be consulted.<sup>19</sup> Accordingly, the subcommittee on privileges and immunities proposed,<sup>20</sup> Committee 6 approved,<sup>21</sup> and the General Assembly adopted<sup>22</sup> a resolution: (1) inviting the members of the Court at their first session to consider the question of the privileges, immunities, and facilities necessary for the exercise of its functions and the fulfilment of its purposes in the country of its seat and elsewhere and to inform the Secretary-General of their recommendations; (2) deciding that "the question of the privileges and immunities of the Court shall be considered as soon as possible after the receipt of the recommendations of the Court"; and (3) recommending that "until further action has been taken, the rules which have been applied to the Permanent Court of International Justice should be observed by Members in relation to the International Court of Justice."

<sup>12</sup> Eighth Meeting, Committee 6, Feb. 4, 1946, *Journal*, No. 23: Supp. No. 6-A/C.6/26.

<sup>13</sup> A/29 and A/30, both dated Feb. 4, 1946. *Journal*, No. 25, pp. 437-438.

<sup>14</sup> *Supra*, n. 8.

<sup>15</sup> A/C.6/22, Jan. 31, 1946.

<sup>16</sup> *Journal*, No. 18: Supp. No. 6-A/C.6/19.

<sup>17</sup> As part of A/31, Feb. 5, 1946, a Report of the Sixth Committee to the General Assembly (*Journal*, pp. 497-498). See the authorizing by the General Assembly of a small negotiating committee consisting of one representative of each of eight named members "to assist the Secretary-General in negotiating further agreements in connection with the transfer of certain assets in Geneva, and in connection with the premises in the Peace Palace in The Hague" (*Journal*, No. 34, p. 709).

<sup>18</sup> For the texts and related information, see PC/LEG/12, Nov. 29, 1945.

<sup>19</sup> *Preco Report*, p. 63; PC/LEG/42, Dec. 15, 1945; *Journal*, p. 107, *Preco Report*, p. 60.

<sup>20</sup> A/C.6/33, Feb. 5, 1946.

<sup>21</sup> Feb. 8, 1946, *Journal*, No. 27: Supp. No. 6-A/C.6/38.

<sup>22</sup> As Annex 3 of A/43, Feb. 9, 1946 (*Journal*, No. 31, Feb. 13, 1946, pp. 569, 575).

## REGISTRATION AND PUBLICATION OF TREATIES AND INTERNATIONAL AGREEMENTS

The Secretariat, having submitted to Committee 6 on January 10, 1946 a comprehensive working paper on the question of registration and publication of treaties and international agreements,<sup>23</sup> submitted later, on January 28, 1946, a draft resolution on the subject which had been prepared on the basis of the Report of the Preparatory Commission.<sup>24</sup> In Committee 6 the question was raised by the delegate of Panama "whether it was intended that Franco Spain should be invited [as one of the non-Member states] to send its treaties and international agreements for registration with and publication by the Secretariat". He was of the opinion "that the United Nations should not have anything to do with a fascist State". After some discussion the committee agreed that the rapporteur should redraft the last two paragraphs of the resolution "for the sake of clarity" and that the delegate for Panama should submit his proposed amendment in writing.<sup>25</sup>

In an effort to overcome the obvious difficulties of placing the desired excepting language in the operating portion of the draft resolution, the rapporteur, using "the wording of the Potsdam Agreement when referring to Spain", placed it in the recitals of the new draft.<sup>26</sup> After considerable debate in Committee 6, language was devised to achieve the purpose in hand, substantially along the lines which the rapporteur had proposed. As redrafted by the rapporteur in pursuance of instructions by Committee 6,<sup>27</sup> the resolution was adopted by the General Assembly on February 10, 1946.<sup>28</sup>

The resolution, as so adopted, referred to the action of the Executive Secretary of the Preparatory Commission in sending out his circular letter of November 8, 1945 and expressed the desire that

<sup>23</sup> A/C.6/1.

<sup>24</sup> A/C.6/15, Jan. 25, 1946. PC/13; *Journal*, p. 107; *Preco Report*, p. 59.

<sup>25</sup> Jan. 28, 1946, *Journal*, No. 18: Supp. No. 6-A/C.6/19.

<sup>26</sup> Draft Report of the rapporteur to Committee 6, A/C.6/22, Jan. 31, 1946, p. 4.

<sup>27</sup> Feb. 4, 1946, *Journal*, No. 23: Supp. No. 6-A/C.6/26.

<sup>28</sup> As part of A/31; *Journal*, No. 29, p. 497.

<sup>29</sup> A/4, Jan. 10, 1946.

<sup>30</sup> Jan. 11, 1946, *Journal*, No. 3, pp. 38-52.

<sup>31</sup> A/C.6/6, Jan. 15, 1946.

arrangements be made for the publication of treaties or international agreements which non-member states may voluntarily transmit and which have not been included in the treaty series of the League of Nations, with the exception, however, that these arrangements should not extend to such instruments transmitted by any non-member state such as Spain, "the Government of which has been founded with the support of the Axis powers" and which "does not, in view of its origin, its nature, its record and its close association with the aggressor States, possess qualifications necessary to justify membership in the United Nations under the provisions of the Charter." The resolution then instructed the Secretary-General: (1) "to submit to the General Assembly proposals for detailed regulations and other measures designed to give effect to the provisions of Article 102 of the Charter"; (2) to invite the governments of Members to transmit to the Secretary-General (a) "for filing and publication, treaties and international agreements entered into in recent years but before the date of entry into force of the Charter, which had not been included in the League of Nations treaty series", and to transmit (b) "for registration and publication treaties and international agreements entered into after the date of entry into force of the Charter"; and (3) "to receive from the governments of non-member States, treaties and international agreements entered into both before and after the date of entry into force of the Charter, which have not been included in the League of Nations treaty series and which they may voluntarily transmit for filing and publication", the Secretary-General "to dispose of them in accordance with the foregoing provisions, and subject to such detailed regulations and other measures as may hereafter be adopted."

## PROVISIONAL RULES OF PROCEDURE OF THE GENERAL ASSEMBLY

As a result of the debate on the adoption of the provisional rules of procedure of the General Assembly<sup>29</sup> in the second plenary meeting<sup>30</sup> of that body, amendments introduced by the Ecuadorian, Cuban, and Ukrainian delegations were referred for examination and report to the legal committee.

In brief, the Ecuadoran proposal<sup>31</sup> sought to amend supplementary Rule T, which authorized the Economic and Social Council to summon inter-

national conferences within the meaning of article 62 of the Charter on any matters within the competence of the Council "including the following matters: international trade and employment, and health", by adding to the "matters" the subject of "the equitable adjustment of prices on the international market."

The Cuban proposal<sup>32</sup> sought to change Rule 32, which provided for a General Committee<sup>33</sup> composed of the President and seven Vice Presidents of the General Assembly and the chairmen of the six main committees, to provide for a General Committee composed of the presidents of the delegations of the members of the United Nations. The Cuban amendment also proposed an executive committee for this enlarged General Committee. Alternatively, the Cuban Delegation proposed, in the event of rejection of the above major amendments, three minor rules in qualification of Rule 32.

The Ukrainian amendment<sup>34</sup> to Rule 73, which dealt with the use of a secret ballot in the General Assembly, sought to secure open nominations.

While the provisional rules of procedure were being discussed in the General Assembly in its second plenary meeting, the president suggested that the amendments could be referred to an *ad hoc* committee or to Committee 6. Without much discussion as to which type of committee might be most suitable to handle them, the amendments were referred to the legal committee. Discussion of them in Committee 6 revived considerations of a political and economic character which, in the Executive Committee and Preparatory Commission stages, had been dealt with by committees other than the legal committees.

The "legislative history" of these several proposals is long and tortuous. For present purposes it should be sufficient merely to summarize it. After preliminary discussion,<sup>35</sup> Committee 6 referred the matter to the subcommittee on rules of procedure, which made a report and an amended report<sup>36</sup> on the subject. Three further meetings<sup>37</sup> of Committee 6 produced a report to the General Assembly.<sup>38</sup> After extensive debate<sup>39</sup> on this report, the General Assembly approved: (1) an amendment based upon one of the Cuban proposals, to add to Rule 33 the following: "It [the General Committee] shall not, however, decide any political question;" (2) the Cuban alternative proposal that when an additional matter pro-

posed for the agenda of the General Assembly by a delegation not represented on the General Committee should come before that committee such delegation should be entitled to *ad hoc* representation on the committee for purposes of discussing, but not voting on, the item; (3) a Lebanese substitute for the original Ukrainian proposal amending Rule 73 by adding the words, "There shall be no nominations"; and (4) the Ecuadoran proposal to include the topic of "the equitable adjustment of prices on the international market" in supplementary Rule T.

Before proceeding to the absorbing "Terms of Office Controversy", it may be convenient to discuss the matter of the rules relating to committee structure. At its sixth meeting,<sup>40</sup> Committee 6 in pursuance of its terms of reference sent to the subcommittee on rules of procedure the question of committee structure for the General Assembly dealt with by the *Report of the Preparatory Commission*,<sup>41</sup> together with Appendix II of that *Report*.<sup>42</sup> On proposal of the chairman, the committee agreed unanimously that the subcommittee should be enlarged by the inclusion of the representatives of the United States<sup>43</sup> and the Soviet

<sup>32</sup> A/C.6/8, Jan. 16, 1946.

<sup>33</sup> The functions of the General Committee as set forth in Provisional Rules 33-35 dealt with matters concerning the provisional agenda of the General Assembly, assistance to the president in the general conduct of the work of the General Assembly, and so forth.

<sup>34</sup> A/C.6/7, Jan. 15, 1946.

<sup>35</sup> Jan. 14, 1946, *Journal*, No. 6: Supp. No. 6-A/C. 6/5.

<sup>36</sup> A/C.6/9, Jan. 20, 1946, and A/C.6/9/Rev. 1, Jan. 21, 1946.

<sup>37</sup> Jan. 21, 1946, *Journal*, No. 11: Supp. No. 6-A/C.6/10; Jan. 22, 1946, *Journal*, No. 12: Supp. No. 6-A/C.6/11; Jan. 23, 1946, *Journal*, No. 14: Supp. No. 6-A/C.6/12.

<sup>38</sup> A/14, Jan. 24, 1946.

<sup>39</sup> Jan. 26, 1946, *Journal*, No. 16, pp. 316-336.

<sup>40</sup> Jan. 24, 1946, *Journal*, No. 14: Supp. No. 6-A/C.6/13.

<sup>41</sup> *Ibid.*, pp. 21-28.

<sup>42</sup> This contained a "Report of Mr. Gerig (United States of America), Chairman of the Sub-Committee on the General Committee of the General Assembly," pp. 123-124.

<sup>43</sup> Accordingly, at this juncture, Dr. Benjamin Gerig, Chief of the Division of Dependent Area Affairs and Associate Chief of the Division of International Organization Affairs, Office of Special Political Affairs, Department of State, and a member of the American Delegations to UNCIO, the Executive Committee, the Preparatory Commission, and the General Assembly, was added to the staff of advisers assisting Mr. Walker, the American Delegate on Committee 6.

Union. The subcommittee reported that no amendments relating to committee structure had been submitted to it.<sup>44</sup> Committee 6 considered this report at its ninth meeting on February 5, 1946.<sup>45</sup> Mr. Read, the rapporteur, having been elected to the International Court of Justice and having thereupon resigned his committee office,<sup>46</sup> the new rapporteur, Mr. Beckett (United Kingdom), prepared a report<sup>47</sup> for the General Assembly reciting that the General Assembly had already dealt with two of the Cuban amendments relating to committee structure and that no further amendments on the subject had been submitted to Committee 6. "There is, therefore", he concluded, "no need for further action by the General Assembly in this respect." In this conclusion the General Assembly concurred by adopting the report.<sup>48</sup>

#### TERMS OF OFFICE CONTROVERSY

Another matter involving the provisional rules of procedure of the General Assembly, raised by the Egyptian Delegation, grew, during the course of its consideration in Committee 6, the General Assembly, and the General Committee, to the proportions of a "legislative" *cause célèbre*. In the early discussions in Committee 6 of the terms of reference of the committee with regard to rules of procedure, the delegate for Egypt expressed his view that the committee was competent to discuss any amendments to the provisional rules of procedure in addition to those already referred to the committee.<sup>49</sup> At a subsequent meeting,<sup>50</sup> accordingly, the Egyptian representative introduced a proposal<sup>51</sup> to amend Rule 78 and to delete the related supplementary Rule S.

<sup>44</sup> Second Report of the Subcommittee on Rules of Procedure, A/C.6/25, Feb. 2, 1946.

<sup>45</sup> *Journal*, No. 24:Supp. No. 6-A/C.6/30.

<sup>46</sup> Feb. 7, 1946, *Journal*, No. 26:Supp. No. 6-A/C.6/37.

<sup>47</sup> On the Committee Structure of the General Assembly, A/36, Feb. 7, 1946.

<sup>48</sup> Feb. 12, 1946, *Journal*, No. 31, p. 575.

<sup>49</sup> Third Meeting, Jan. 21, 1946, *Journal*, No. 11: Supp. No. 6-A/C.6/10.

<sup>50</sup> Seventh Meeting, Jan. 28, 1946, *Journal*, No. 18: Supp. No. 6-A/C.6/19.

<sup>51</sup> A/C.6/14, Jan. 25, 1946.

In brief, the Egyptian amendment sought to solve the following problem: articles 23, 61, and 86 of the Charter in dealing with the terms of office of members of the Security Council, the Economic and Social Council, and the Trusteeship Council use the words "year" or "years". The Preparatory Commission proposed in Rule 1 of the Provisional Rules that "the General Assembly shall meet every year in regular session commencing on the first Tuesday after 2 September". In practice, September has been a favorite month for the beginning of the "operational" year of various international organizations, including the League of Nations. Rule 78 sought to provide for the beginning and ending of terms of office of members of councils thus: "The term of office of each member shall begin immediately on election by the General Assembly and shall end on the election of a member for the next term." In view, however, of the decision to hold a "constitutive" and "organizing" meeting of the General Assembly in January of the first year of operation of the new organization, at which members of councils would be elected, the Preparatory Commission reported the temporary supplementary Rule S, which read: "The term of office of members of Councils elected for one, two and three years shall end on the day of the elections held at the second, third, and fourth regular sessions respectively of the General Assembly."

It was thought in the Preparatory Commission that the second part of the first session of the General Assembly would be held in the late spring of 1946 and that the second *regular* session could be held, in accordance with Rule 1, in September. If the annual elections after the first were held, as intended in supplementary Rule S, in September, and if the word "year" as used in the Charter were construed to mean a "calendar year", the effect would be, in relation to the initial terms of members of councils begun in January 1946, to foreshorten the first "year" to about eight months. Construing the term "year" as used in the Charter to mean a "calendar year", the Egyptian Delegation contended that such foreshortening of the initial year was "unconstitutional"; the General Assembly could not by rules of procedure lawfully

reduce the duration of terms stipulated in the Charter.<sup>52</sup>

The matter having been referred by Committee 6 to its subcommittee on rules of procedure, the committee "agreed unanimously that the Delegate for Egypt, who was not a member of the subcommittee, should be invited to attend the meetings of the subcommittee."<sup>53</sup>

Throughout the exhaustive discussions in the subcommittee, in Committee 6, and subsequently in the General Assembly and in the General Committee,<sup>54</sup> there was recourse to a great variety of argument: "strict" construction of the Charter versus "loose" construction; "literal" construction versus "functional" construction; arguments invoking principle; arguments reflecting interest; political arguments and legal arguments; arguments based on expediency, on practicality, on convenience. At times they were reminiscent of the reports of the debates in the first session of the first Congress of the United States under the new Constitution. Repeatedly there was reference by various delegations to American experience under its "lame duck" Congressional sessions. Sundry solutions were suggested, utilizing conceptions of a "first year" in terms of 8, 12, and 20 months. It was also proposed that "the term of office of a member begins on 1 January after its election by the General Assembly and ends on 31 December of the year of election of a member for the following term". In the end, after the General Assembly had agreed to drop the idea of a second regular session for September 1946 and merely to postpone the second part of the first session to that date, it decided on February 13, 1946 in favor of the "literal" construction of the term "year" as comprising 12 calendar months and requested the Secretary-General "to report at the opening of the second part of the first regular session what, if any, changes in the rules he deems necessary to give effect to the foregoing" [decision].<sup>55</sup>

#### PRIVILEGES AND IMMUNITIES

Privileges and immunities was the first piece of business handled by Committee IV/2 in San Francisco. It was the last piece of business handled by Committee 6 of the General Assembly in London.

On adjournment of the Preparatory Commis-

sion, an Interim Committee on Headquarters, set up in pursuance of a recommendation of Committee 8, and on which the United States preferred not to be represented, continued to work through its Juridical Subcommittee on the draft of the convention dealing with the establishment of the headquarters in the United States, "for eventual submission to the General Assembly".<sup>56</sup> In due course, the product<sup>57</sup> of this juridical subcommittee was transmitted to the subcommittee on privileges and immunities established by Committee 6.

With respect to the privileges and immunities to be accorded generally throughout the membership of the United Nations, there was some question at the end of the Preparatory Commission stage whether the best method was to proceed by means of recommendations adopted by the General Assembly or by means of a convention proposed by that body for accession thereto by the members.

<sup>52</sup> The Egyptian Delegation also objected to the effect of Rule 78 by itself, without relation to supplementary Rule S. It violated the Charter, they contended, "inasmuch as it provided that the term of office of each elected member should end on the election of a member for the next term. Thus, the General Assembly could, at its own discretion, extend or reduce a term by holding elections". (A/C.6/25, p. 2.) To prevent this, the Egyptian proposal provided as follows: "The term of office of each member shall begin immediately on election by the General Assembly, provided the seat to which such member has been elected is vacant, or, if the election takes place before the expiry of the term of office of the member previously elected, immediately it becomes vacant."

<sup>53</sup> Seventh Meeting, Jan. 28, 1946, *Journal*, No. 18: Supp. No. 6-A/C.6/19.

<sup>54</sup> The discussion can be traced as follows: Report of the Subcommittee on Rules of Procedure, A/C.6/25, Feb. 2, 1946; Committee 6, two meetings, on Feb. 5, 1946, *Journal*, No. 24: Supplement No. 6-A/C.6/30 and *ibid.*, A/C.6/36; General Committee, Report on the Date of the Next Meeting of the General Assembly, A/35, Feb. 7, 1946, *Journal*, No. 28, Feb. 9, 1946, p. 479; General Assembly, Report of Committee 6, A/38, Feb. 7, 1946, *Journal*, No. 29, Feb. 10, 1946, pp. 498, 516; General Committee, Feb. 11, 1946, *Journal*, No. 29, p. 517 and *Journal*, No. 30, p. 525, and A/51; General Assembly, Feb. 12, 1946, *Journal*, No. 31, p. 576, and Feb. 13, 1946, *Journal*, No. 32, p. 586.

<sup>55</sup> *Journal*, No. 32, p. 590.

<sup>56</sup> *Preco Report*, pp. 114-115.

<sup>57</sup> A/C.6/Immunities/2, Jan. 28, 1946 and A/C.6/21, Jan. 30, 1946. *Journal*, No. 18: Supp. No. 6-A/C.6/19.

To its newly constituted subcommittee on privileges and immunities, Committee 6 therefore immediately entrusted the question for recommendation.<sup>58</sup> The subcommittee reported in favor of proceeding by means of a convention.<sup>59</sup> In this decision Committee 6 concurred.<sup>60</sup> Thereupon, the legal committee, having already at its previous meeting charged the subcommittee with the preparation of a draft agreement in relation to the host state, now also requested it to prepare a general convention for submission to all the members.

The General Assembly operated under the same sense of urgency as had the Executive Committee and the Preparatory Commission. In compliance with a request from the president of the General Assembly that the committees finish their work in a few days, the chairman of Committee 6 on January 29, 1946 asked the subcommittees to "proceed with their work with the utmost speed."<sup>61</sup>

Accordingly, the subcommittee on privileges and immunities made its report<sup>62</sup> to the full committee on February 7, 1946. It dealt with six separate items and was accompanied by the appropriate separate recommendations and documents.

One of the items was new to the deliberations of the legal committees. During its deliberations the subcommittee considered a proposal from the Advisory Group of Experts on Administrative and

Budgetary Questions that "an article should be included in the General Convention providing for the preservation of the accrued pension rights of persons who, at the time that they enter the service of the United Nations, have held official positions in the territories of Members". The subcommittee "did not consider that a provision on these lines could be included in the Convention," but it did offer a recommendation embodying the purpose for adoption by the General Assembly.<sup>63</sup>

Another matter, previously dealt with in the draft general convention,<sup>64</sup> relating to "third party car risks," was now made the subject of a separate recommendation.<sup>65</sup>

Of the remaining recommendations of the subcommittee, one provided that the General Assembly approve the annexed convention on the privileges and immunities of the United Nations and propose it for accession by each member of the United Nations.<sup>66</sup> On consideration by Committee 6, several delegations entered reservations with respect to certain of its provisions, including the Delegation of the United States, which reserved against the provisions dealing with exemption from taxation on the salaries and emoluments and exemption from national service obligations of officials as far as United States nationals were concerned.<sup>67</sup>

Another recommendation provided that the General Assembly should authorize the Secretary-General (with the assistance of a committee composed of representatives of a number of the members of the United Nations) "to negotiate with the competent authorities of the United States of America the arrangements required as a result of the establishment of the seat of the United Nations in the United States of America"; that the annexed draft convention should be "transmitted by the General Assembly to the Secretary-General for use in these negotiations as a basis of discussion"; that the Secretary-General should "report to the Second Part of the First Session of the General Assembly the results of these negotiations"; and that "any agreement apart from purely temporary agreements with the competent authorities of the United States resulting from these negotiations" should be "subject to approval by the General Assembly before being signed on behalf of the United Nations".<sup>68</sup>

<sup>58</sup> Sixth Meeting, Jan. 24, 1946, *Journal*, No. 14: Supp. No. 6-A/C.6/13. The United States was represented on the subcommittee but continued its policy of "neutrality" when matters relating to the site convention were under discussion.

<sup>59</sup> A/C.6/17, Jan. 26, 1946.

<sup>60</sup> *Journal*, No. 18: Supp. No. 6-A/C.6/19.

<sup>61</sup> A/C.6/31, Feb. 5, 1946.

<sup>62</sup> A/C.6/32, Feb. 5, 1946. The subcommittee examined another proposal submitted by the same Advisory Group "with a view to exempting all members of the staff of the Organization 'from taxation on retirement benefits and exempting their beneficiaries from taxation on death benefits, either in the form of a lump sum or benefits paid by the Organization to widows and orphans'. The subcommittee decided, without prejudice to this question being taken up and considered separately at a later stage, that a provision to this effect should not be included in the General Convention." A/C.6/31, p. 3.

<sup>63</sup> Art. 8, *Preco Report*, p. 74.

<sup>64</sup> A/C.6/35, Feb. 5, 1946.

<sup>65</sup> A/C.6/28, Feb. 5, 1946.

<sup>66</sup> *Journal*, No. 26: Supp. No. 6-A/C.6/37.

<sup>67</sup> A/C.6/29, Feb. 5, 1946.

Upon approval of this recommendation by Committee 6, "Mr. Feller (United States of America) asked that it should be placed on record that the delegation of the United States had abstained from discussions or voting when the Sixth Committee adopted this convention".<sup>68</sup>

In accord with the views expressed by the Preparatory Commission,<sup>69</sup> the subcommittee reported a recommendation for adoption by the General Assembly instructing the "Secretary-General to open negotiations with a view to the reconsideration of the provisions under which the specialized agencies at present enjoy privileges and immunities in the light of the General Convention adopted by the United Nations" and the considerations set forth in the preamble of the resolution.<sup>70</sup>

The last of the recommendations<sup>71</sup> dealt with the privileges and immunities of the International Court of Justice, which have already been discussed.<sup>72</sup>

Committee 6 approved,<sup>73</sup> without change, the recommendation relating to the General Convention on February 7, and the other recommendations on February 8, 1946. Thereupon its work was, for the moment, ended.

In the course of the discussion on the report of Committee 6 embracing these six recommendations in the General Assembly, Senator Vandenberg took occasion to restate and explain on behalf of the American Delegation the position of the United States with respect to its reservations on tax exemption and military service exemption of American nationals employed by the United Nations. Both these matters fell, under the Constitution of the United States, within the prerogatives of the Congress. He also stated: "So far as the special convention is concerned, we shall abstain from voting, because the special convention is one to which the Government of the United States will be a party, and we consider it would be inappropriate for us to prejudge the case here".<sup>74</sup>

Without making any changes the General Assembly then speedily adopted each of the six resolutions on privileges and immunities.<sup>75</sup> It approved one remaining document, A/36, relating to the committee structure of the General Assembly, already noted above, and thereupon Committee 6 of the first part of the first session of the General Assembly passed into history.

#### CONCLUSION

In concluding this outline of the work of the legal committees of the United Nations, from Dumbarton Oaks to Central Hall, Westminster, it might not be inappropriate to recall that although the variety of their work was not infinite it was indeed not meager. In the performance of it, skill and resourcefulness were always available, vision and statesmanship when invoked. Patience and good humor are reflected in the records and borne in the memory of those who served. And drama, muffled heavily in the vestments of the law, was no stranger to the meetings of these, the first, it may be hoped, of a long line of legal committees of the United Nations.

<sup>68</sup> *Journal*, No. 27: Supp. No. 6-A/C.6/38. At this same meeting Committee 6 "agreed unanimously to recommend that, as proposed by the General Committee, the committee appointed to assist the Secretary-General in the negotiations with the competent authorities of the United States of America should be composed of the following delegations: Australia, Belgium, Bolivia, China, Cuba, Egypt, France, Poland, United Kingdom, and the U.S.S.R." The resolution, as presented to the General Assembly, therefore included the names of the above states (A/43, p. 16).

<sup>69</sup> *Preco Report*, p. 60.

<sup>70</sup> A/C.6/34, Feb. 5, 1946.

<sup>71</sup> A/C.6/33, Feb. 5, 1946.

<sup>72</sup> A/C.6/33, Feb. 5, 1946.

<sup>73</sup> *Journal*, No. 26: Supp. No. 6-A/C.6/37 and *Journal*, No. 27: Supp. No. 6-A/C.6/38.

<sup>74</sup> Feb. 13, 1946, *Journal*, No. 31, pp. 574-575.

<sup>75</sup> As set forth in A/43, Feb. 9, 1946. *Journal*, No. 31, p. 575.

## The Paris Peace Conference

**" . . . we do object to misrepresentation of our position and our motives."**

### ADDRESS BY THE SECRETARY OF STATE<sup>1</sup>

[Released to the press August 15]

The procedure of having the representatives of the former enemy states present their views at the beginning of the Conference instead of at its end is a commendable one. This procedure will enable the commissions to start their work not only with the preliminary treaty drafts prepared by the Council of Foreign Ministers but with the general observations of the former enemy states on those drafts.

This procedure was wisely devised to facilitate the work of the Conference. But some of the discussions which immediately followed the general observations of the former enemy states on the proposed treaties have not made the work of the Conference easier and have not helped us on the road to peace. America would be willing even to let the reflections cast on her policies here pass unnoticed if her silence would help us on the way to peace. America is as eager to work and cooperate with her Allies in peace as she was willing to fight with them in the war. And no one views with greater regret than I the rebuffs to our efforts so to work and cooperate. But peace among allies in this interdependent world cannot be furthered by ignoring the repeated abuse and misrepresentation which have been levelled against America from this floor.

America has no apology to make for the principles of justice, equality, and freedom which we have striven to the best of our ability, sometimes successfully and sometimes unsuccessfully, to have written into the peace treaties.

<sup>1</sup> Delivered before the plenary session of the Conference in Paris on Aug. 15.

A word of explanation however is required to make clear why some questions were decided in the Council of Foreign Ministers and others were not. All the members of the Council were agreed that it would be helpful to harmonize their viewpoints so far as possible to avoid conflict, friction, and misunderstanding when this Conference did convene. But we urged from the outset that, when after discussion in the Council there was a difference of viewpoint, we should request the advice and recommendations of this Conference. The Soviet Government on the other hand took the view that it would not consent to the calling of the Conference until all issues which they regarded as fundamental from their viewpoint were agreed upon in the Council of Foreign Ministers.

It so happens therefore that the issues which the Soviet Government regards as fundamental have been settled in the Council of Foreign Ministers. We support those settlements. On the other hand a number of issues which we regard as important are unsettled and the Soviet Government vigorously opposes our viewpoint.

We do not object to the Soviet Government's vigorously presenting its viewpoint on these issues before the Conference. We did not and do not ask the Soviet to come to agreement with us on these issues before we would be willing to discuss them with our Allies in this Conference. But we do object to a misrepresentation of our position and our motives. We do object to accusations being made against the Italian Government because in its opening statement it did not on all issues associate itself with the Soviet point of view.

We do object to the Soviet Government's giving

the impression to the Conference that other ex-enemy states are more democratic than Italy because they have harmonized their viewpoints with the Soviet Union. The new Italy constituted by a free election is entitled to the sympathy and encouragement of every democratic state.

The United States believes in the sovereign equality of nations. We are opposed to making the small nations satellites of the larger states.

The Soviet representative in answering the opening statement of the Italian representative referred to great powers which have enriched themselves during the war. The Soviet representative so spoke in the course of warning Italy against the economic ambitions of these powers. What great power enriched itself during the war? I know of none. I hope that the Soviet representative was not referring to America, which came unhesitatingly to the support of the Soviet Union when it was in great peril.

America never bound herself to withhold aid from those resisting Axis aggression. Many months before America was attacked, Franklin Delano Roosevelt announced that America would become the arsenal of the democracies and took energetic action to organize the lend-lease program, which was continued even in increased measure after America entered the war. Over 11 billions went to the Soviet Union under the lend-lease program. Our only regret was that we could not send more to help her in her struggle against the enemy.

America's expenditures during the war have aggregated 400 billion dollars. That represents American labor, American human and material resources. That money was borrowed from the American people. For years to come they must work to pay off this debt. For those expenditures America has received and has asked for no recompense other than the freedom she fought to secure for herself and for all mankind.

America has contributed generously to UNRRA. In other ways also she has contributed and will continue to contribute to the rehabilitation of the war-devastated countries. She offers her friendship to all who will reciprocate her friendship. I need not recall again that America has directly and indirectly aided the people of Italy to the extent of 900 million dollars since the armistice.

Under the proposed treaties America seeks no

territory and seeks no reparations. The United States has asked that property of the United States and other United Nations lost or damaged in the ex-enemy states should be restored or compensated for. That principle is usually recognized in peace treaties. The proposal was agreed to in principle by the Soviet Government at Potsdam. It was agreed to in the armistice terms. But now the Soviet Government says that this proposal is an unfair and onerous burden although it involves nothing like the great sums which the Soviet Union is exacting from these countries as reparations.

The restoration of United Nations properties in these countries would be by local currencies and would leave productive assets in those countries which add to their taxable resources. Reparations are different. Reparations means foreign exchange or goods taken out of these countries constituting a drain on their resources.

Repairing the damages to United Nations factories in ex-enemy countries helps to restore industry in those countries and aids their economic recovery. It takes nothing out of those countries. Reparation deliveries on the other hand take valuable assets from these impoverished lands and necessarily slow down their economic recovery.

The United States must also repudiate the suggestion of the Soviet Delegation that the economic clauses proposed by the United States and based upon the principle of equality and most-favored-nation treatment are part of an effort to exploit the ex-enemy countries for the selfish advantage of the United States.

I should have thought it unnecessary at this late date in the history of the United Nations to occupy the time of this Conference with a defense of the principle of equality of economic opportunity for all countries. It is a principle embodied in the Atlantic Charter and reaffirmed in the United Nations Declaration. It is an accepted principle in one of the treaties presented to this Conference by the Council of Foreign Ministers.

Yet in spite of this impressive record of agreement we have heard this principle of economic liberty denounced as a method of enslavement and exploitation of the weak by the strong. We have heard it suggested that the ex-enemy countries should have objected to the provisions establishing for them a position of reciprocal equality with

members of the United Nations during a transitional period in which they will have time to conclude definitive commercial treaties. But at the Potsdam Conference the proposal of the United States was accepted in principle. Among other things the proposal declared that "We deem it essential that the satellites not conclude treaties, agreements or arrangements which deny to Allied nationals access on equal terms to their trade, raw materials and industry."

A policy of economic equality permits each nation to carry on its economic relations with others along lines of its own economic welfare. By avoiding preferential arrangements with some countries it eliminates the corresponding discrimination against others which inevitably gives rise to counter-discriminations.

Would anyone seriously propose that an opposite intent be written into these treaties—that Italy or the Balkan countries should be free to discriminate in favor of some and against others of the Allied countries which cooperated in the defeat of the aggressors?

Would anyone suggest that these countries which were the principal objects of German economic penetration and encirclement should continue under the same system of economic relationship but that they should merely substitute for Germany some other country upon which they would be almost entirely dependent for supplies and for markets? It is out of such arrangements and not out of non-discriminatory trade that enslavement and exploitation arise.

It has been suggested that the article constitutes an invasion of the sovereignty of the ex-enemy states. Let us examine that argument. Unlike the corresponding articles of the 1919 treaties the present draft treaties impose no unilateral obligations. They merely require that during a period of 18 months Italy, the three Balkan countries, and Finland will accord non-discriminatory treatment in commercial matters to those members of the United Nations which reciprocally grant similar

treatment in like matters. This is not a punitive article. It is as much in the interest of the countries to which it is offered as it is of the United Nations. It affords all countries and especially small countries a measure of protection against the ruthless exercise of economic and political power. It allows each country to develop its resources according to its aptitudes and to buy to its best advantage what it needs from other countries. It is the best assurance against a deterioration of the world's economy into a series of economic blocs.

The United States has sought no territorial or other exclusive advantages for itself from the war. But it does attach the greatest importance to the establishment of conditions of a stable peace and of prosperity throughout the world. It cannot remain indifferent to arrangements under the treaties or outside them which tend to restrict and divert trade or distort international economic relations to the prejudice of the great majority of the United Nations and of world peace and prosperity.

Before closing I want to say a few words about Greece. In the Conference she has been criticized by an ex-enemy state and by some members. That is very unfair. At a most critical hour before some of us realized our own peril that small but great nation resisted with matchless valor the full might of the European Axis. I shall never forget how we then waited for news from Greece. With the courage her people have ever shown, she held the Italian and German armies and gained valuable time for our other Allies. Her losses were great. Whatever our differences may be we should not forget our debt to the people of Greece.

I worked to bring about this Conference to advance the cause of peace, not to quarrel with any of our Allies. The American people have no quarrel with the people of any Allied state. The peoples of all the United Nations want peace. Let us, their responsible leaders, not disappoint their hopes and their prayers.

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# The United Nations

## U.S. Proposes Two Items for Provisional Agenda of the General Assembly<sup>1</sup>

[Released to the press by UN August 8]

The Acting Secretary-General of the United Nations, Arkady Sobolev, has communicated to member states the following communications from Herschel V. Johnson, acting representative of the United States to the United Nations, proposing two supplementary items for the provisional agenda for the second part of the first session of the General Assembly, which will meet in New York on September 23:

July 31, 1946.

DEAR MR. SOBOLEV:

I am instructed to request, on behalf of the Government of the United States, that the Secretary-General include in the provisional agenda for the second part of the first session of the General Assembly an item relating to the interpretation of articles 11 and 12 of the Statute of the International Court of Justice.<sup>2</sup> This request is made in view of the difficulty which arose in the Security Council and the General Assembly at London over the interpretation of these two articles.<sup>3</sup>

Sincerely yours,

HERSCHEL V. JOHNSON

August 2, 1946.

DEAR MR. SOBOLEV:

I should like to request that the Secretary-General include in the provisional agenda for the second part of the first session of the General Assembly an item looking toward the carrying

out of the provisions of article 13 of the Charter. This article states that "The General Assembly shall initiate studies and make recommendations for the purpose of . . . encouraging the progressive development of international law and its codification;"

Sincerely yours,

HERSCHEL V. JOHNSON

<sup>1</sup> For list of items on the provisional agenda of the General Assembly, see BULLETIN of Aug. 11, 1946, p. 254.

<sup>2</sup> Articles 11 and 12 of the Statute of the International Court of Justice refer to the election of judges for that Court.

Article 11 reads as follows: "If after the first meeting held for the purpose of the election, one or more seats remain to be filled, a second and, if necessary, a third meeting shall take place."

Article 12, paragraph 1, reads: "If, after the third meeting, one or more seats still remain unfilled, a joint conference consisting of six members, three appointed by the General Assembly and three by the Security Council, may be formed at any time at the request of either the General Assembly or the Security Council, for the purpose of choosing by the vote of an absolute majority one name for each seat still vacant, to submit to the General Assembly and the Security Council for their respective acceptance."

<sup>3</sup> At the first part of the first session of the General Assembly in London, the question was raised as to whether only one vote was to be held at each meeting. One group favored this interpretation while a suggestion was also made that the question should be submitted to the Court itself. As the question was then left undecided, the United States is pressing for a final decision on the proper interpretation.

# National Commission on Educational, Scientific and Cultural Cooperation

[Released to the press August 15]

William Benton, Assistant Secretary of State, announced August 15 that 50 national organizations representing many phases of American life have been invited to name representatives to serve on the National Commission for Educational, Scientific and Cultural Cooperation. The National Commission, creation of which was recently authorized by the Congress, will advise the Department of State on matters relating to the United Nations Educational, Scientific and Cultural Organization, and serve as a link with national and local groups. The list of organizations follows:

1. American Association for Adult Education
2. American Association for the Advancement of Science
3. American Association of Museums
4. American Association of University Professors
5. American Association of University Women
6. American Book Publishers Council
7. American Committee for the International Union of Local Authorities
8. American Council of Learned Societies
9. American Council on Education
10. American Farm Bureau Federation
11. American Federation of Arts
12. American Federation of Labor
13. American Federation of Teachers
14. American Institute of Architects
15. American Library Association
16. American Philosophical Society
17. American Society for Engineering Education
18. American Society of Newspaper Editors
19. American Teachers Association
20. Association of American Law Schools
21. Association of American Medical Colleges
22. Associated Youth Serving Organizations, Inc.
23. Association for Education by Radio
24. Association of American Colleges
25. Chamber of Commerce of the United States
26. Committee for Economic Development
27. Congress for Industrial Organization
28. Cooperative League of the U. S. A.
29. Educational Film Library Association
30. Farmers Educational and Cooperative Union of America
31. Federal Council of Churches of Christ in America
32. General Federation of Women's Clubs
33. Motion Picture Association of America, Inc.
34. National Academy of Sciences
35. National Association for the Advancement of Colored People

36. National Association of Broadcasters
37. National Catholic Educational Association
38. National Catholic Welfare Conference
39. National Congress of Parents and Teachers
40. National Editorial Association
41. National Education Association
42. National Grange
43. National League of Women Voters
44. National Music Council
45. National Publishers Association, Inc.
46. National Research Council
47. National Social Welfare Assembly
48. Social Science Research Council
49. Society of Independent Motion Picture Producers
50. Synagogue Council of America

In making public this list, Mr. Benton said:

"The formation of the National Commission is an important and a distinctive event in the intellectual and social life of America.

"It brings together in a single body representatives of education, the press, radio, the films, science, learning, arts, and civic life.

"It establishes a novel procedure in cooperation between non-governmental organizations and the government.

"It implements the policy by which government and non-governmental groups will work together in fulfilling the purposes of an international organization—UNESCO (the United Nations Educational, Scientific and Cultural Organization).

"UNESCO is being formed to support the aims of the United Nations by promoting mutual understanding among the peoples of the world. The Organization will come into existence officially when twenty nations have accepted membership; eighteen nations including the United States have already taken this step. It is anticipated that the first meeting of the General Conference of UNESCO will be held in November in Paris.

"The National Commission is being established in the United States in accordance with article VII of the UNESCO constitution, which recommends that 'Each Member State shall make such arrangements as suit its particular conditions for

the purpose of associating its principal bodies interested in educational, scientific and cultural matters with the work of the Organization, preferably by the formation of a National Commission broadly representative of the Government and such bodies.'

"Composition of the National Commission for cooperation with UNESCO was determined by the Congress. It will consist of one hundred persons. In addition to the fifty representatives to be named by the organizations listed above, forty outstanding individuals will be appointed directly by the Department of State. Further, the National Commission itself will select ten additional organizations, whose representatives will bring the total membership up to one hundred. No individual may serve for more than two consecutive terms of three years each. The National Commission, moreover, will review periodically the list of sixty organizations, and make such changes as it judges desirable. These provisions are intended to ensure an equitable rotation of membership.

"The Department of State has received from many sources, including experts in numerous fields of interest, valuable suggestions concerning organizations to be chosen for the National Commission. As a result of an extended process of consultation, the Commission comprises a wide variety of organizations corresponding to the great scope of UNESCO's interests. For example, UNESCO is considering such projects as: an inventory of obstacles to the free flow of information and ideas; methods by which schools can contribute to the aims of the United Nations; the role of adult education in building peace; establishment of a worldwide international broadcasting system; encouragement of international understanding through youth groups; the dissemination of information about the implications of scientific discoveries; promotion of international exchanges in the arts; and conferences on fundamental problems in the social sciences and philosophy.

"Since so many fields of activity must be represented, only a few of the numerous outstanding organizations in various fields could be included in the total list of fifty. In order to ensure that all interested organizations may take an active part in UNESCO, whether represented on the National Commission or not, two additional steps will be taken: (1) the Commission will call on the services of expert consultants; (2) the Commission will convene, annually or biennially, a national conference on UNESCO to which all interested national organizations will be invited to send delegates.

"It is hoped that the list of representatives of the organizations, together with the additional individuals to be appointed, will be completed early in September. The first meeting of the National Commission will be held in Washington in the week beginning September 23."

## Three Nations Ask FAO Membership

In accordance with its rules of procedure, the Food and Agriculture Organization has transmitted to member governments an application for membership from Spain. Applications had been received earlier from Italy and Switzerland.

Approval of two thirds of the entire FAO membership is required for admission of nations that were not eligible for original membership through being represented on the Interim Commission on Food and Agriculture. In the case of the three applications, and any which may be received within the next few days, action at the next session of the FAO Conference, which opens in Copenhagen on September 2, depends on whether the Conference decides to suspend a requirement that 90 days elapse between receipt of an application and its consideration by the Conference.

## *International Organizations and Conferences*

### Calendar of Meetings

Far Eastern Commission	Washington	February 26
Peace Conference	Paris	July 29
UNRRA: Second Half of Fifth Session	Geneva	August 5-16
International Wheat Council: Thirteenth Session	Washington	August 19
Fourth General Assembly of the Pan American Institute of Geography and History and Third Pan American Consultation on Cartography	Caracas	August 25-September 1
ILO: Permanent Migration Committee	Montreal	August 26
Fifth Congress of the Postal Union of the Americas and Spain	Rio de Janeiro	September 1
The United Nations:		
Security Council	New York	March 25
Military Staff Committee	New York	March 25
Commission on Atomic Energy	New York	June 14
Subcommission on the Reconstruction of Devastated Areas	London	July 29
UNESCO: Executive Committee	London	August 19
PICAO: Caribbean Regional Air Navigation Meeting	Washington	August 26
FAO: Annual Session	Copenhagen	September 2-14
Committee for Arrangements for Consultation with Non-Governmental Organizations	New York	September 6 or 7
Economic and Social Council (Third Session) with Commissions and Subcommissions	New York	September 11
General Assembly: Second Part of First Session	New York	September 23

The opening dates in the third column are current as of Aug. 19.

### Activities and Developments

**UNRRA—Fifth Council Session.<sup>1</sup>** The Fifth Council Meeting of the United Nations Relief and Rehabilitation Administration at Geneva was concluded on August 16, 1946. Fiorello H. La Guardia, UNRRA Director General, announced that the relief agency's work would be transferred to the United Nations. The general Council was scheduled to meet again this year, probably in New York, sometime after the next session of the United Nations General Assembly, which is scheduled for September.

<sup>1</sup> Prepared by the Division of International Conferences, Department of State.

One of the Council's closing actions was to establish an international children's fund to care for minors in liberated countries. Money and supplies left over from the liquidation of UNRRA, which is to begin in October, will be used along with contributions from the United States and the other 47 member governments on UNRRA's Council.

Director General La Guardia told the final Council meeting that UNRRA personnel would be reorganized immediately to bring their work into harmony with that of the International Refugee Agency, which emphasizes resettlement

as well as repatriation for Europe's 830,000 displaced persons. Otherwise UNRRA's concern with these persons would have to cease not later than June 30, 1947, it was explained.

**The Thirteenth Session of the International Wheat Council**<sup>1</sup> is scheduled to convene at Washington on August 19, 1946, to consider a new international wheat agreement. This agreement when ratified would replace the Memorandum of Understanding regarding wheat now in effect between Argentina, Australia, Canada, the United Kingdom, and the United States, which was entered into by these countries in 1942. This Memorandum of Understanding was intended only to serve as a temporary measure until a formal convention acceptable to all participating countries could be worked out.

On July 15, 1946 at the Twelfth Session of the Council, a number of new members were welcomed. Representatives of the Governments of Belgium, Brazil, China, Denmark, France, Italy, India, and the Netherlands accepted invitations to join the Council, and it was hoped in this way to make it more fully representative of both wheat-importing and wheat-exporting countries. The Soviet Union and Yugoslavia, which had also been invited, have not accepted membership.

This enlarged Council appointed a preparatory committee to carry out a twofold task: (1) to revise the draft convention for an international wheat agreement which had been drawn up in 1941-1942, but which had never been ratified by the participating countries; and (2) to carry out various studies in preparation for an international wheat conference. Each of the 13 countries now comprising the Council's membership was invited to appoint a representative on the Preparatory Committee. It was also agreed that the Council should invite representatives of the Food and Agriculture Organization and the Economic and Social Council of the United Nations to attend its meetings and those of its committees. The Preparatory Committee held three meetings in July to consider a memorandum prepared by one of the delegates regarding the scope of the new international wheat agreement. A revision of this document was then referred by the various members to their governments for comments. The Committee reconvened on August 15, 1946, in

order to prepare its report for the forthcoming Thirteenth Session of the Council. That report will be the principal subject for discussion at the Washington meeting.

**Fourth General Assembly of the Pan American Institute of Geography and History and Third Pan American Consultation on Cartography**<sup>2</sup>

Two official pan-American conferences will be held simultaneously at the invitation of the Government of Venezuela in the city of Caracas at the end of this month—the Fourth General Assembly of the Pan American Institute of Geography and History, and the Third Pan American Consultation on Cartography. The Fourth General Assembly will be held in accordance with the resolution approved by acclamation at the Third Assembly which designated the city of Caracas as the seat of the Fourth General Assembly.

Previous assemblies have been held as follows. Inaugural Assembly, Mexico City, 1929; First General Assembly, Rio de Janeiro, 1932; Second General Assembly, Washington, 1935; and Third General Assembly, Lima, 1941. The Fourth General Assembly meeting, originally scheduled for 1942, was not possible due to the international conditions prevailing at that time. The Venezuelan organizing commission in collaboration with the Pan American Institute has arranged for the Fourth General Assembly to meet at Caracas between August 25 and September 1, 1946.

In regard to previous consultations, the First Consultation on Geodesy, Aeronautical Charts, and Topographic Maps was held in Washington in 1943. The Second Pan American Consultation on Geography and Cartography took place at Rio de Janeiro in 1944. The Third Consultation will be held simultaneously and as a part of the Fourth General Assembly of the Pan American Institute of Geography and History. The consultations are sponsored by the Commission on Cartography of the Institute. The Consultation on Cartography will hold its preliminary plenary session on August 22. Preliminary technical discussions start the same day. Its other functions will be

<sup>1</sup> Prepared in collaboration with the International Resources Division and the Division of International Conferences, Department of State.

<sup>2</sup> Prepared in the Division of International Conferences, Department of State.

identical, in most cases, with those of the Assembly.

The work of the Assembly will be divided into four sections, two for geography and two for history, corresponding to the division of work within the Pan American Institute, as follows:

#### *Geography*

First Section: Topography, cartography, geodesy, and geomorphology (this section will be given over to meetings of the Third Pan American Consultation on Cartography).

Second Section: Human geography, ethnography, historical geography, biological geography, and economic geography.

#### *History*

Third Section: Prehistory, pre-Columbian history, colonial history, and archaeology; also investigations in libraries and archives, especially of Spanish and Portuguese sources.

Fourth Section: History of the emancipation of the American nations and history of the period of independence; also, an examination of the organization of the library, map library, and museum of the Institute as indispensable elements for initial office studies.

Each section will have a chairman and other officials, in accordance with its needs and dispositions, who will be elected from among the delegates.

The first section—that given over to the sessions of the Third Pan American Consultation on Cartography—will devote one plenary session to the reading and discussion of selected papers. The remaining sessions will be dedicated to discussion of current problems of surveying and mapping, including aerophotogrammetric operations and the preparation of maps and charts of all types with the view of attaining uniformity of product in field and office operations, including norm of precision required in the different categories of cartographic operations.

The remaining sections of the Assembly—second, third, and fourth—will be devoted to the reading of papers and discussions covering such fields as human geography and ethnography, historical geography, biological geography, economic geography, prehistory, pre-Columbian history, archaeology, and history of the colonial period.

Specific subjects to be treated include the following: the influence of climate and of vegetation on population distribution on the American continents, geography of the cattle industry of the continent, economic land utilization in the tropical countries of America, influence of the discovery of America on European economy, the Royal Consulates in America, the revolutionary process in America, and the religious factor in the cultural development of the New World.

Business properly coming before the Assembly will be handled by two committees and three or more special subcommittees. A subcommittee on organization will prepare recommendations concerning the reorganization of the Pan American Institute and will propose the names of important persons in the Pan American scientific world to form the Executive Committee of the Institute, which according to the statutes of the Institute acts for the Assembly until the subsequent Assembly convenes. A finance subcommittee will make a study of the financial situation of the Institute and will prepare a budget for the next triennial period.

Invitations to the Assembly were of two categories, official and professional. The invitations covered the sending of delegates as well as the submission of papers. Official invitations from government to government were extended to all American countries, including the Dominion of Canada, by the Government of the United States of Venezuela. The Pan American Institute of Geography and History also extended official invitations to its member governments. Invitations to appropriate societies, academies, and institutes of the Americas were extended by the Venezuelan Government and by the Pan American Institute of Geography and History, which is intimately connected with these professional organizations by virtue of its statutes as well as by virtue of previous assemblies.

The United States has accepted the invitation of the Venezuelan Government and plans to send an official delegation of 7 persons to the Third Pan American Consultation on Cartography, which is scheduled to convene on August 22, and 13 persons to the Fourth General Assembly of the Pan American Institute of Geography and History, which is scheduled to convene on August 25. An adviser and members of a joint secretariat for both delegations numbering about 5 persons are expected

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to accompany the delegates. In addition to the official United States Delegation, a group of historians and geographers are expected to attend from the United States as representatives of various societies and associations. It is expected that most, if not all, of the 21 American republics and Canada will be represented at the forthcoming meetings.

#### **Permanent Migration Committee of the ILO.<sup>1</sup>**

The first post-war meeting of the Permanent Migration Committee of the International Labor Organization will be held in Montreal, August 26, 1946. The agenda, as established by the Governing Body at its Philadelphia session in 1944 and its Montreal meeting in May 1946, includes the following topics:

1. Exchange of views on post-war migration prospects;
2. Forms of international cooperation capable of facilitating an organized resumption of migration movements after the war;
3. Racial discrimination in connection with migration; and
4. The technical selection of migrants.

The President has approved the designation of Robert C. Goodwin, Director, United States Employment Service, Department of Labor, as United States Government member of the Committee. Advisers to Mr. Goodwin include: Murray Ross, Assistant Chief, ILO Branch, Division of International Labor, Social, and Health Affairs, Department of State; Helen V. Seymour, Assistant to the Deputy Director, United States Employment Service, Department of Labor; and Herman R. Landon, District Director of Immigration and Naturalization, Saint Albans, Vermont.

Joseph P. Chamberlain of Columbia University will substitute for George L. Warren, Adviser on Refugees and Displaced Persons, Office of the Under Secretary of State for Economic Affairs, Department of State. Mr. Warren, one of the expert members of the Committee, is unable to attend because of engagements to participate in United Nations meetings.

***The Fifth Congress of the Postal Union of the Americas and Spain<sup>2</sup>*** is scheduled to be held at Rio de Janeiro, Brazil, beginning September 1,

1946. It is expected that there will be prominent postal representatives present from all of the postal administrations composing the Union. A United States Delegation of approximately 10 persons is expected to attend, including: Robert E. Hammegan, Postmaster General, *Chairman*; Gael Sullivan, Second Assistant Postmaster General; John J. Gillen, Director, International Postal Service, Post Office Department; and Edward J. Mahoney, Assistant Director, International Postal Service, Post Office Department. A printed agenda has not been received here, but a number of propositions have been circulated to the postal administrations involved.

The First Pan American Postal Congress was held at Buenos Aires, Argentina, in 1921. The following 18 countries were represented there: United States, Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela. Subsequently, the Dominican Republic, Haiti, Honduras, and Spain also adhered. Other Pan American Postal Congresses have been held as follows: the Second Congress, México, D. F., in 1926; the Third Congress, at Madrid, Spain, in 1931 (it was at this Congress that the name of the union was changed to "the Postal Union of the Americas and Spain"); and the Fourth Congress at the city of Panama, Panama, in 1936.

***Second Session of Conference of FAO.<sup>3</sup>*** The Food and Agriculture Organization of the United Nations (FAO) will hold the second session of its Conference in Copenhagen on September 2, 1946. Representatives from the 42 member governments of FAO are expected to attend. In addition, invitations have been sent to those governments which were members of the Interim Commission on Food and Agriculture (Costa Rica, El Salvador, Ethiopia, Iran, U. S. S. R.), and

<sup>1</sup> Prepared in collaboration with the Division of International Labor, Social, and Health Affairs and the Division of International Conferences, Department of State.

<sup>2</sup> Prepared by the Division of International Conferences, Department of State.

<sup>3</sup> Prepared in collaboration with the Division of International Organization Affairs and the Division of International Conferences, Department of State.

to Afghanistan, Albania, Argentina, Austria, Byelorussian S.S.R., Bulgaria, Erie, Finland, Hungary, Iceland, Italy, Portugal, Rumania, Saudi Arabia, Siam, Sweden, Switzerland, Trans-Jordan, Turkey, Ukrainian S.S.R., and Yemen to be represented by observers. All these governments were invited to be represented at the recent Health Conference.

In order to provide for the closest possible cooperation between FAO and other international organizations, the following groups have also been invited to send observers: United Nations, International Bank for Reconstruction and Development, International Labor Office, International Monetary Fund, United Nations Educational, Scientific and Cultural Organization, World Health Organization, Office International des Epizooties, UNRRA, International Emergency Food Council, and Emergency Economic Committee for Europe.

Included on the Conference agenda are questions concerning longer-term food machinery; the technical work of the Organization in the fields of agricultural production, nutrition, economics, and statistics; fisheries and forestry; relations with other international organizations and non-governmental organizations; report of the FAO mission to Greece; and budgetary and administrative questions.

Discussion on longer-term food machinery will center upon the Director General's *Proposals for a World Food Board* and the *World Food Survey* prepared by FAO in cooperation with experts loaned by member governments. Discussions in the technical fields of FAO activity will be based on reports to be presented by the Standing Advisory Committees. These Committees will meet in advance of the Conference at Copenhagen, The Hague, Bergen, and Oslo.

Relations of FAO with the United Nations will be considered in connection with the draft agreement negotiated by committees of the United Nations and FAO and approved by the Economic and Social Council at its second session.

Plans for completing the integration of the functions and assets of the International Institute of Agriculture at Rome into FAO will also be discussed by the Conference.

Another important topic of discussion will be the report of the FAO mission to Greece because of its recommendations to FAO. It will also serve

as an example of the kind of technical service FAO hopes to render to governments.

Since FAO is still very young, the consideration of administrative, budgetary, and financial questions will be of considerable interest as a guide to the future policy of organization.

It is expected that the Conference will last about two weeks and that its recommendations will be forwarded to the United Nations and to other interested bodies for their consideration and action.

The United States Delegation to the Conference session will include:

**NORRIS E. DODD**, Under Secretary of Agriculture; *United States Member*

**LESLIE A. WHEELER**, Director, Office of Foreign Agricultural Relations, Department of Agriculture; *Deputy United States Member*

**ELMER THOMAS**, United States Senate, Chairman, Committee on Agriculture and Forestry; *Congressional Adviser*

**RAYMOND E. WILLIS**, United States Senate, Member, Committee on Agriculture and Forestry; *Congressional Adviser*

**JOHN W. FLANNAGAN, Jr.**, United States House of Representatives, Chairman, Committee on Agriculture; *Congressional Adviser*

**CLIFFORD R. HOPE**, United States House of Representatives, Member, Committee on Agriculture; *Congressional Adviser*

**ANDREW W. ANDERSON**, Chief, Division of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior; *Adviser*

**JOSEPH A. BECKER**, Chief, International Commodities Branch, Office of Foreign Agricultural Relations, Department of Agriculture; *Adviser*

**EDWARD G. CALE**, Associate Chief, Division of International Resources, Department of State; *Adviser*

**PAUL T. DAVID**, Assistant Chief, Fiscal Division, United States Bureau of the Budget; *Adviser*

**JOHN H. DAVIS**, Executive Secretary, National Council of Farmer Cooperatives; *Adviser*

**URSULA DUFFUS**, Division of International Organization Affairs, Department of State; *Adviser*

**ESTHER COLE FRANKLIN**, Consumer Relations Adviser, Office of Price Administration; *Adviser*

**CARL N. GIBBONEY**, Chief, Commodity Arrangements Division, Office of International Trade, Department of Commerce; *Adviser*

**ALBERT S. GOSS**, Master, The National Grange; *Adviser*

**WILLIAM V. LAMBERT**, Assistant Research Administrator, Agricultural Research Administration, Department of Agriculture; *Adviser*

**W. RAYMOND OGG**, Director, Washington Office, American Farm Bureau Federation; *Adviser*

**RUSSELL SMITH**, Legislative Secretary, National Farmers' Union; *Adviser*

**JOHN L. STEWART**, United States Agricultural Attaché, Copenhagen, Denmark; *Adviser*

HAZEL K. STIEBELING, Chief, Bureau of Human Nutrition and Home Economics, Department of Agriculture; *Adviser*

WILLARD L. THORP, Deputy to the Assistant Secretary for Economic Affairs, Department of State; *Adviser*

LYLE F. WATTS, Chief, Forest Service, Department of Agriculture; *Adviser*

ORRIS V. WELLS, Chief, Bureau of Agricultural Economics, Department of Agriculture; *Adviser*

FAITH WILLIAMS, Director, Staff on Foreign Labor Conditions, Department of Labor; *Adviser*

KEITH HIMEBAUGH, Director of Information, Department of Agriculture; *Special Assistant to the United States Member*

DUNCAN WALL, Chief, Division of Information and Statistics, Office of Foreign Agricultural Relations, Department of Agriculture; *Secretary*

L. INGEMANN HIGHBY, Division of International Resources, Department of State; *Secretary*

**U. S. Accepts Invitation to Telecommunications Conference.** The Department of State announced on August 14 that the United States has accepted the Soviet invitation to a five-power preparatory telecommunications conference to be held in Moscow.

The decision was reached after consideration was given to the advisability of holding a five-power preparatory conference. The United States is planning to issue invitations to the World Plenipotentiary Conference on Telecommunications for about April 1947.

Although the Soviet invitation fixed the date of convening the preparatory conference on August 28, 1946, the United States is asking that the conference be convened as soon as possible after the middle of September in order to give the necessary time to prepare its delegation for departure. Francis Colt de Wolf, Chief of the Telecommunications Division of the Department of State, will be the delegation chairman.

It is understood that France, Great Britain, and China have all indicated a willingness to attend the conference, but France and Great Britain have also indicated their desire to delay the conference until after the middle of September.

**The International Emergency Food Council** announced to the press on August 9 the addition of five countries not heretofore represented on commodity committees, bringing total accepted IEFC membership to 24. The new members are Czechoslovakia, Finland, Italy, Republic of the Philippines, and Switzerland.

Membership on the Council is open to any country, through membership on any of the commodity committees of the International Emergency Food Council.

At the same time, 10 countries that already were members of the Council were accepted as members of additional commodity committees, as indicated in the full committee list that follows.

The Central Committee at a recent meeting also considered applications from countries whose import requirements are now being presented by the United Nations Relief and Rehabilitation Administration and decided to defer action on those applications pending clarification of the future relations between these countries and UNRRA.

Other applications for membership are now being considered by commodity committees, and additional ones continue to arrive, D. A. Fitzgerald, Secretary General, said.

As of August 9, the complete list of accepted IEFC members was as follows: Australia, Belgium, Brazil, Canada, Chile, China, Cuba, Czechoslovakia, Denmark, Finland, France, Greece, India, Italy, Netherlands, New Zealand, Norway, Republic of the Philippines, Siam, Switzerland, Turkey, Union of South Africa, United Kingdom, and United States.

# The Record of the Week

## Trial of Axis War Criminals

CLOSING ADDRESS BY ROBERT H. JACKSON<sup>1</sup>

[Released to the press by the War Department July 26]

**M**R. PRESIDENT AND MEMBERS OF THE TRIBUNAL: An advocate can be confronted with few more formidable tasks than to select his closing arguments where there is great disparity between his appropriate time and his available material. In eight months—a short time as state trials go—we have introduced evidence which embraces as vast and varied a panorama of events as has ever been compressed within the framework of a litigation. It is impossible in summation to do more than outline with bold strokes the vitals of this trial's mad and melancholy record, which will live

as the historical text of the twentieth century's shame and depravity.

It is common to think of our own time as standing at the apex of civilization, from which the deficiencies of preceding ages may patronizingly be viewed in the light of what is assumed to be "progress". The reality is that in the long perspective of history the present century will not hold an admirable position, unless its second half is to redeem its first. These two-score years in this twentieth century will be recorded in the book of years as one of the most bloody in all annals. Two world wars have left a legacy of dead which number more than all the armies engaged in any war that made ancient or medieval history. No half-century ever witnessed slaughter on such a scale, such cruelties and inhumanities, such wholesale deportations of peoples into slavery, such annihilations of minorities. The Terror of Torquemada pales before the Nazi Inquisition. These deeds are the overshadowing historical facts by which generations to come will remember this decade. If we cannot eliminate the causes and prevent the repetition of these barbaric events, it is not an irresponsible prophecy to say that this twentieth century may yet succeed in bringing the doom of civilization.

Goaded by these facts, we have moved to redress the blight on the record of our era. The defendants complain that our pace is too fast. In drawing the Charter of this Tribunal, we thought we were recording an accomplished advance in international law.<sup>2</sup> But they say that we have outrun our times, that we have anticipated an advance that should be, but has not yet been, made. The agreement of London, whether it originates or merely records, at all events marks a transition in international law which roughly corresponds to

<sup>1</sup> Delivered on July 26 before the International Military Tribunal, which is trying the major Nazi war criminals at Nürnberg, Germany. Mr. Jackson, Associate Justice of the Supreme Court of the United States, is U.S. Chief of Counsel for the Prosecution of Axis Criminality. On Aug. 17 the U.S. Government released vol. III of the planned eight-volume publication on Nazi conspiracy and aggression, a collection of documentary evidence and guide materials prepared by the American and British Prosecuting Staffs for presentation before the International Military Tribunal at Nürnberg. These volumes will be sold in complete sets by the Superintendent of Documents, U.S. Government Printing Office, Washington 25, D. C. A brief review of vol. III is printed in this issue on page 379. The preface to this volume states that "These documents consist, in the main, of official papers found in archives of the German Government and Nazi Party, diaries and letters of prominent Germans, and captured reports and orders. There are included, in addition, excerpts from governmental and Party decrees, from official newspapers and from authoritative German publications. The authenticity of all these materials is established by Maj. Coogan's affidavit (001-A-PS). Considered together, they reveal a fairly comprehensive view of the inner workings and outward deeds of the German Government and of the Nazi Party, which were always concealed from the world, and for which the world will always hold the Hitler regime in horror and contempt."

<sup>2</sup> For text of the Charter of the International Military Tribunal, see Department of State publication 2420.

that in the evolution of local law when men ceased to punish local crime by "hue and cry" and began to let reason and inquiry govern punishment. The society of nations has emerged from the primitive "hue and cry", the law of "catch and kill". It seeks to apply sanctions to enforce international law, but to guide their application by evidence, law, and reason instead of outcry. The defendants denounce the law under which their accounting is asked. Their dislike for the law which condemns them is not original. It has been remarked before that—

"No thief ere felt the halter draw  
With good opinion of the law."

I shall not labor the law of this case. The position of the United States was explained in my opening statement.<sup>1</sup> My distinguished colleague, the Attorney General of Great Britain, will reply on behalf of all the Chief Prosecutors to the defendants' legal attack. At this stage of the proceedings, I shall rest upon the law of these crimes as laid down in the Charter. The defendants, who except for the Charter would have no right to be heard at all, now ask that the legal basis of this trial be nullified. This Tribunal, of course, is given no power to set aside or to modify the agreement between the four powers, to which 19 other nations have adhered. The terms of the Charter are conclusive upon every party to these proceedings.

In interpreting the Charter, however, we should not overlook the unique and emergent character of this body as an International Military Tribunal. It is no part of the constitutional mechanism of internal justice of any of the signatory nations. Germany has unconditionally surrendered, but no peace treaty has been signed or agreed upon. The Allies are still technically in a state of war with Germany, although the enemy's political and military institutions have collapsed. As a Military Tribunal, it is a continuation of the war effort of the Allied nations. As an International Tribunal, it is not bound by the procedural and substantive refinements of our respective judicial or constitutional systems, nor will its rulings introduce precedents into any country's internal system of civil justice. As an International Military Tribunal, it rises above the provincial and transient and seeks guidance not only from international law but also from the basic principles of jurispru-

dence, which are assumptions of civilization and which long have found embodiment in the codes of all nations.

Of one thing we may be sure. The future will never have to ask, with misgiving, "What could the Nazis have said in their favor?" History will know that whatever could be said they were allowed to say. They have been given the kind of a trial which they, in the days of their pomp and power, never gave to any man.

But fairness is not weakness. The extraordinary fairness of these hearings is an attribute to our strength. The prosecution's case, at its close, seemed inherently unassailable because it rested so heavily on German documents of unquestioned authenticity. But it was the weeks upon weeks of pecking at this case by one after another of the defendants that has demonstrated its true strength. The fact is that the testimony of the defendants has removed any doubts of guilt which, because of the extraordinary nature and magnitude of these crimes, may have existed before they spoke. They have helped write their own judgment of condemnation.

But justice in this case has nothing to do with some of the arguments put forth by the defendants or their counsel. We have not previously and we need not now discuss the merits of all their obscure and tortuous philosophy. We are not trying them for possession of obnoxious ideas. It is their right, if they choose to renounce the Hebraic heritage in the civilization of which Germany was once a part. Nor is it our affair that they repudiated the Hellenic influence as well. The intellectual bankruptcy and moral perversion of the Nazi regime might have been no concern of international law had it not been utilized to goose-step the *Herrenvolk* across international frontiers. It is not their thoughts, it is their overt acts which we charge to be crimes. Their creed and teachings are important only as evidence of motive, purpose, knowledge, and intent.

We charge unlawful aggression, but we are not trying the motives, hopes, or frustrations which may have led Germany to resort to aggressive war as an instrument of policy. The law, unlike politics, does not concern itself with the good or evil in the *status quo*, nor with the merits of grievances against it. It merely requires that the *status*

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<sup>1</sup> BULLETIN of Nov. 25, 1945, p. 850.

*quo* be not attacked by violent means and that policies be not advanced by war. We may admit that overlapping ethnological and cultural groups, economic barriers, and conflicting national ambitions created in the 1930's, as they will continue to create, grave problems for Germany as well as for the other peoples of Europe. We may admit too that the world had failed to provide political or legal remedies which would be honorable and acceptable alternatives to war. We do not underwrite either the ethics or the wisdom of any country, including my own, in the face of these problems. But we do say that it is now, as it was for some time prior to 1939, illegal and criminal for Germany or any other nation to redress grievances or seek expansion by resort to aggressive war.

Let me emphasize one cardinal point. The United States has no interest which would be advanced by the conviction of any defendant if we have not proved him guilty on at least one of the counts charged against him in the Indictment. Any result that the calm and critical judgment of posterity would pronounce unjust would not be a victory for any of the countries associated in this prosecution. But in summation we now have before us the tested evidences of criminality and have heard the flimsy excuses and paltry evasions of the defendants. The suspended judgment with which we opened this case is no longer appropriate. The time has come for final judgment, and if the case I present seems hard and uncompromising it is because the evidence makes it so.

I perhaps can do no better service than to try to lift this case out of the morass of detail with which the record is full and put before you only the bold outlines of a case that is impressive in its simplicity. True, its thousands of documents and more thousands of pages of testimony deal with an epoch and cover a continent, and touch almost every branch of human endeavor. They illuminate specialties, such as diplomacy, naval development and warfare, land warfare, the genesis of air warfare, the politics of the Nazi rise to power, the finance and economics of totalitarian war, sociology, penology, mass psychology, and mass pa-

<sup>1</sup> The other four groups of overt acts are: The Seizure of Power and Subjugation of Germany to a Police State; The Preparation and Waging of Wars of Aggression; Enslavement and Plunder of Populations in Occupied Countries; and Persecution and Extermination of Jews and Christians.

thology. I must leave it to experts to comb the evidence and write volumes on their specialties, while I picture in broad strokes the offenses whose acceptance as lawful would threaten the continuity of civilization. I must, as Kipling put it, "splash at a ten-league canvas with brushes of comet's hair".

### The Crimes of the Nazi Regime

The strength of the case against these defendants under the conspiracy count, which it is the duty of the United States to argue, is in its simplicity. It involves but three ultimate inquiries: *First*, have the acts defined by the Charter as crimes been committed; *second*, were they committed pursuant to a common plan or conspiracy; *third*, are these defendants among those who are criminally responsible?

The charge requires examination of a criminal policy, not of a multitude of isolated, unplanned, or disputed crimes. The substantive crimes upon which we rely, either as goals of a common plan or as means for its accomplishment, are admitted. The pillars which uphold the conspiracy charge may be found in five groups of overt acts, whose character and magnitude are important considerations in appraising the proof of conspiracy.

### Warfare in Disregard of International Law<sup>1</sup>

It is unnecessary to labor this point on the facts. Göring asserts that the Rules of Land Warfare were obsolete, that no nation could fight a total war within their limits. He testified that the Nazis would have denounced the conventions to which Germany was a party, but that General Jodl wanted captured German soldiers to continue to benefit from their observance by the Allies.

It was, however, against the Soviet people and Soviet prisoners that Teutonic fury knew no bounds, in spite of a warning by Admiral Canaris that the treatment was in violation of international law.

We need not, therefore, for purposes of the Conspiracy count, recite the revolting details of starving, beating, murdering, freezing, and mass extermination admittedly used against the eastern soldiery. Also, we may take as established or admitted that lawless conduct such as shooting British and American airmen, mistreatment of western prisoners of war, forcing French prison-

ers of war into German war-work, and other deliberate violations of the Hague and Geneva conventions did occur, and in obedience to highest levels of authority.

A glance over the dock will show that, despite quarrels among themselves, each defendant played a part which fitted in with every other, and that all advanced the common plan. It contradicts experience that men of such diverse backgrounds and talents should so forward each other's aims by coincidence.

The large and varied role of Göring was half militarist and half gangster. He stuck a pudgy finger in every pie. He used his SA muscle-men to help bring the gang into power. In order to entrench that power he contrived to have the Reichstag burned, established the Gestapo, and created the concentration camps. He was equally adept at massacring opponents and at framing scandals to get rid of stubborn generals. He built up the Luftwaffe and hurled it at his defenseless neighbors. He was among the foremost in harrying the Jews out of the land. By mobilizing the total economic resources of Germany he made possible the waging of the war which he had taken a large part in planning. He was, next to Hitler, the man who tied the activities of all the defendants together in a common effort.

The parts played by the other defendants, although less comprehensive and less spectacular than that of the Reichsmarshal, were nevertheless integral and necessary contributions to the joint undertaking, without any one of which the success of the common enterprise would have been in jeopardy. There are many specific deeds of which these men have been proven guilty. No purpose would be served—nor indeed is time available—to review all the crimes which the evidence has charged up to their names. Nevertheless, in viewing the conspiracy as a whole and as an operating mechanism it may be well to recall briefly the outstanding services which each of the men in the dock rendered to the common cause.

The zealot Hess, before succumbing to wanderlust, was the engineer tending the party machinery, passing orders and propaganda down to the Leadership Corps, supervising every aspect of party activities, and maintaining the organization as a loyal and ready instrument of power. When

apprehensions abroad threatened the success of the Nazi scheme for conquest, it was the duplicitous Ribbentrop, the salesman of deception, who was detailed to pour wine on the troubled waters of suspicion by preaching the gospel of limited and peaceful intentions. Keitel, weak and willing tool, delivered the armed forces, the instrument of aggression, over to the party and directed them in executing its felonious designs.

Kaltenbrunner, the grand inquisitor, took up the bloody mantle of Heydrich to stifle opposition and terrorize compliance, and buttressed the power of National Socialism on a foundation of guiltless corpses. It was Rosenberg, the intellectual high priest of the "master race", who provided the doctrine of hatred which gave the impetus for the annihilation of Jewry, and put his infidel theories into practice against the eastern occupied territories. His wooly philosophy also added boredom to the long list of Nazi atrocities. The fanatical Frank, who solidified Nazi control by establishing the new order of authority without law, so that the will of the party was the only test of legality, proceeded to export his lawlessness to Poland, which he governed with the lash of Caesar and whose population he reduced to sorrowing remnants. Frick, the ruthless organizer, helped the party to seize power, supervised the police agencies to insure that it stayed in power, and chained the economy of Bohemia and Moravia to the German war-machine.

Streicher, the venomous vulgarian, manufactured and distributed obscene racial libels which incited the populace to accept and assist the progressively savage operations of "race purification". As Minister of Economics Funk accelerated the pace of rearmament, and as Reichsbank president banked for the SS the gold teeth fillings of concentration-camp victims—probably the most ghoulish collateral in banking history. It was Schacht, the facade of starched respectability, who in the early days provided the window dressing, the bait for the hesitant, and whose wizardry later made it possible for Hitler to finance the colossal rearmament program, and to do it secretly.

Dönitz, Hitler's legatee of defeat, promoted the success of the Nazi aggressions by instructing his pack of submarine killers to conduct warfare at sea with the illegal ferocity of the jungle. Räder, the political admiral, stealthily built up the

German Navy in defiance of the Versailles Treaty, and then put it to use in a series of aggressions which he had taken a large part in planning. **VON SCHIRACH**, poisoner of a generation, initiated the German youth in Nazi doctrine, trained them in legions for service in the SS and Wehrmacht, and delivered them up to the party as fanatic, unquestioning executors of its will.

**SAUCKEL**, the greatest and cruelest slaver since the Pharaohs of Egypt, produced desperately needed manpower by driving foreign peoples into the land of bondage on a scale unknown even in the ancient days of tyranny in the kingdom of the Nile. **JODL**, betrayer of the traditions of his profession, led the Wehrmacht in violating its own code of military honor in order to carry out the barbarous aims of Nazi policy. **VON PAPEN**, pious agent of an infidel regime, held the stirrup while Hitler vaulted into the saddle, lubricated the Austrian annexation, and devoted his diplomatic cunning to the service of Nazi objectives abroad.

**SEYSS-INQUART**, spearhead of the Austrian fifth column, took over the government of his own country only to make a present of it to Hitler, and then, moving north, brought terror and oppression to the Netherlands and pillaged its economy for the benefit of the German Juggernaut. **VON NEURATH**, the old-school diplomat, who cast the pearls of his experience before Nazis, guided Nazi diplomacy in the early years, soothed the fears of prospective victims, and as Reich Protector of Bohemia and Moravia strengthened the German position for the coming attack on Poland. **SPEER**, as Minister of Armaments and War Production, joined in planning and executing the program to dragoon prisoners of war and foreign workers into German war industries, which waxed in output while the laborers waned in starvation. **FRITZSCHE**, radio propaganda chief, by manipulation of the truth goaded German public opinion into frenzied support of the regime and anesthetized the independent judgment of the population so that they did without question their masters' bidding. And **BORMANN**, who has not accepted our invitation to this reunion, sat at the throttle of the vast and powerful engine of the party, guiding it in the ruthless execution of Nazi policies, from the scourging of the Christian church to the lynching of captive Allied airmen.

The activities of all these defendants, despite

their varied backgrounds and talents, were joined with the efforts of other conspirators not now in the dock, who played still other essential roles. They blend together into one consistent and militant pattern animated by a common objective to reshape the map of Europe by force of arms. Some of these defendants were ardent members of the Nazi movement from its birth. Others, less fanatical, joined the common enterprise later, after successes had made participation attractive by the promise of rewards. This group of latter-day converts remedied a crucial defect in the ranks of the original true believers, for as Dr. Seimers has pointed out in his summation:

" . . . There were no specialists among the National Socialists for the particular tasks. Most of the National Socialist collaborators did not previously follow a trade requiring technical education."

It was the fatal weakness of the early Nazi band that it lacked technical competence. It could not from among its own ranks make up a government capable of carrying out all the projects necessary to realize its aims. Therein lies the special crime and betrayal of men like Schacht and Von Neurath, Speer and Von Papen, Räder and Dönitz, Keitel and Jodl. It is doubtful whether the Nazi master plan could have succeeded without their specialized intelligence which they so willingly put at its command. They did so with knowledge of its announced aims and methods, and continued their services after practice had confirmed the direction in which they were tending. Their superiority to the average run of Nazi mediocrities is not their excuse. It is their condemnation.

The dominant fact which stands out from all the thousands of pages of the record of this trial is that the central crime of the whole group of Nazi crimes—the attack on the peace of the world—was clearly and deliberately planned. The beginning of these wars of aggression was not an unprepared and spontaneous springing-to-arms by a population excited by some current indignation. A week before the invasion of Poland Hitler told his military commanders:

"I shall give a propagandist cause for starting war—never mind whether it be plausible or not. The victor shall not be asked later on whether we

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told the truth or not. In starting and making a war, not the right is what matters, but victory."

The propagandist incident was duly provided by dressing concentration-camp inmates in Polish uniforms, in order to create the appearance of a Polish attack on a German frontier radio station. The plan to occupy Belgium, Holland, and Luxembourg first appeared as early as August 1938 in connection with the plan for attack on Czechoslovakia. The intention to attack became a program in May 1939, when Hitler told his commanders that—

"The Dutch and Belgian air bases must be occupied by armed forces. Declarations of neutrality must be ignored."

Thus, the follow-up wars were planned before the first was launched. These were the most carefully plotted wars in all history. Scarcely a step in their terrifying succession and progress failed to move according to the master blueprint or the subsidiary schedules and timetables until long after the crimes of aggression were consummated.

Nor were the war crimes and the crimes against humanity unplanned, isolated, or spontaneous offenses. Aside from our undeniable evidence of their plotting, it is sufficient to ask whether six million people could be separated from the population of several nations on the basis of their blood and birth, could be destroyed and their bodies disposed of, except that the operation fitted into the general scheme of government. Could the enslavement of five millions of laborers, their impressment into service, their transportation to Germany, their allocation to work where they would be most useful, their maintenance, if slow starvation can be called maintenance, and their guarding have been accomplished if it did not fit into the common plan? Could hundreds of concentration camps located throughout Germany, built to accommodate hundreds of thousands of victims, and each requiring labor and materials for construction, manpower to operate and supervise, and close gearing into the economy—could such efforts have been expended under German autocracy if they had not suited the plan? Has the Teutonic passion for organization become famous for its toleration of non-conforming activity? Each part of the plan fitted into every other. The slave-labor program meshed with the needs of industry and agriculture, and these in turn synchronized with the military

machine. The elaborate propaganda apparatus geared with the program to dominate the people and incite them to a war their sons would have to fight. The armament industries were fed by the concentration camps. The concentration camps were fed by the Gestapo. The Gestapo was fed by the spy system of the Nazi Party. Nothing was permitted under the Nazi iron rule that was not in accordance with the program. Everything of consequence that took place in this regimented society was but a manifestation of a premeditated and unfolding purpose to secure the Nazi state a place in the sun by casting all others into darkness.

#### Common Defenses Against the Charge of Common Responsibility

The defendants meet this overwhelming case, some by admitting a limited responsibility, some by putting the blame on others, and some by taking the position, in effect, that while there have been enormous crimes there are no criminals. Time will not permit me to examine each individual and peculiar defense, but there are certain lines of defense common to so many cases that they deserve some consideration.

Counsel for many of the defendants seek to dismiss the conspiracy or common-planning charge on the ground that the pattern of the Nazi plan does not fit the concept of conspiracy applicable in German law to the plotting of a highway robbery or a burglary. Their concept of conspiracy is in the terms of a stealthy meeting in the dead of night, in a secluded hideout, in which a group of felons plot every detail of a specific crime. The Charter forestalls resort to such parochial and narrow concepts of conspiracy taken from local law by using the additional and non-technical term *common plan*. Omitting entirely the alternative term of *conspiracy*, the Charter reads that "Leaders, organizers, instigators and accomplices participating in the formulation or execution of a common plan . . . to commit" any of the described crimes "are responsible for all acts performed by any persons in execution of such plan."

The Charter concept of a common plan really represents the conspiracy principle in an international context. A common plan or conspiracy to seize the machinery of a state, to commit crimes against the peace of the world, to blot a race out of existence, to enslave millions, and to subjugate and loot whole nations cannot be thought of in the

same terms as the plotting of petty crimes, although the same underlying principles are applicable. Little gangsters may plan which will carry a pistol and which a stiletto, who will approach a victim from the front and who from behind, and where they will waylay him. But in planning a war the pistol becomes a Wehrmacht, the stiletto a Luftwaffe. Where to strike is not a choice of dark alleys but a matter of world geography. The operation involves the manipulation of public opinion, the law of the state, the police power, industry, and finance. The baits and bluffs must be translated into a nation's foreign policy. Likewise, the degree of stealth which points to a guilty purpose in a conspiracy will depend upon its object. The clandestine preparations of a state against international society, although camouflaged to those abroad, might be quite open and notorious among its own people. But stealth is not an essential ingredient of such planning. Parts of the common plan may be proclaimed from the housetops, as anti-Semitism was, and parts of it kept under cover, as rearmament for a long time was. It is a matter of strategy how much of the preparation shall be made public, as was Göring's announcement in 1935 of the creation of an air force, and how much shall be kept covert, as in the case of the Nazis' use of shovels to teach "labor corps" the manual of arms. The forms of this grand type of conspiracy are amorphous, the means are opportunistic, and neither can divert the law from getting at the substance of things.

The defendants contend, however, that there could be no conspiracy involving aggressive war because (1) none of the Nazis wanted war; (2) rearmament was only intended to provide the strength to make Germany's voice heard in the family of nations; and (3) the wars were not in fact aggressive wars but were defensive against a "Bolshevik menace".

When we analyze the argument that the Nazis did not want war it comes down, in substance, to this: "The record looks bad indeed—objectively—but when you consider the state of my mind—subjectively I hated war. I knew the horrors of war. I wanted peace." I am not so sure of this. I am even less willing to accept Göring's description of the General Staff as pacifist. However, it will not injure our case to admit that as an abstract proposition none of these defendants liked war. But they wanted things which they knew they could

not get without war. They wanted their neighbors' lands and goods. Their philosophy seems to be that, if the neighbors would not acquiesce, then they are the aggressors and are to blame for the war. The fact is, however, that war never became terrible to the Nazis until it came home to them, until it exposed their deceptive assurances to the German people that German cities, like the ruined one in which we meet, would be invulnerable. From then on war was terrible.

But again the defendants claim, "To be sure we were building guns. But not to shoot. They were only to give us weight in negotiating." At its best this argument amounts to a contention that the military forces were intended for blackmail, not for battle. The threat of military invasion which forced the Austrian *Anschluss*, the threats which preceded Munich, and Göring's threat to bomb the beautiful city of Prague if the President of Czechoslovakia did not consent to the Protectorate are examples of what the defendants have in mind when they talk of arming to back negotiation.

But from the very nature of German demands, the day was bound to come when some country would refuse to buy its peace, would refuse to pay Danegeld—

"For the end of that game is oppression and shame,

And the nation that plays it is lost."

Did these defendants then intend to withdraw German demands, or was Germany to enforce them and manipulate propaganda so as to place the blame for the war on the nation so unreasonable as to resist? Events have answered that question, and documents such as Admiral Carl's memorandum, earlier quoted, leave no doubt that the events occurred as anticipated.

But some of the defendants argue that the wars were not aggressive and were only intended to protect Germany against some eventual danger from the "menace of Communism", which was something of an obsession with many Nazis.

At the outset this argument of self-defense fails because it completely ignores this damning combination of facts clearly established in the record: *first*, the enormous and rapid German preparations for war; *second*, the repeatedly avowed intentions of the German leaders to attack, which I have previously cited; and, *third*, the fact that a series of wars occurred in which German forces

struck the first blows, without warning, across the borders of other nations.

Even if it could be shown—which it cannot be—that the Russian war was really defensive, such is demonstrably not the case with those wars which preceded it.

It may also be pointed out that even those who would have you believe that Germany was menaced by Communism also compete with each other in describing their opposition to the disastrous Russian venture. Is it reasonable that they would have opposed that war if it were undertaken in good-faith self-defense?

The frivolous character of the self-defense theory on the facts it is sought to compensate, as advocates often do, by resort to a theory of law. Dr. Jahrreiss, in his scholarly argument for the defense, rightly points out that no treaty provision and no principle of law denied Germany, as a sovereign nation, the right of self-defense. He follows with the assertion, for which there is authority in classic international law, that—

" . . . every state is alone judge of whether in a given case it is waging a war of self-defense."

It is not necessary to examine the validity of an abstract principle which does not apply to the facts of our case. I do not doubt that if a nation arrived at a judgment that it must resort to war in self-defense, because of conditions affording reasonable grounds for such an honest judgment, any tribunal would accord it great and perhaps conclusive weight, even if later events proved that judgment mistaken.

But the facts in this case call for no such deference to honest judgment because no such judgment was even pretended, much less honestly made.

In all the documents which disclose the planning and rationalization of these attacks, not one sentence has been or can be cited to show a good-faith fear of attack. It may be that statesmen of other nations lacked the courage forthrightly and fully to disarm. Perhaps they suspected the secret rearment of Germany. But if they hesitated to abandon arms they did not hesitate to neglect them. Germany well knew that her former enemies had allowed their armaments to fall into decay, so little did they contemplate another war. Germany faced a Europe that not only was unwilling to attack but was too weak and pacifist

even adequately to defend, and went to the very verge of dishonor, if not beyond, to buy its peace. The minutes we have shown you of the Nazis' secret conclaves identify no potential attacker. They bristle with the spirit of aggression and not of defense. They contemplate always territorial expansion, not the maintenance of territorial integrity.

Minister of War von Blomberg, in his 1937 directive prescribing general principles for the preparation for war of the armed forces, has given the lie to these feeble claims of self-defense. He stated at that time:

"The general political situation justifies the supposition that Germany need not consider an attack on any side. Grounds for this are, in addition to the lack of desire for war in almost all nations, particularly the Western Powers, the deficiencies in the preparedness for war in a number of states and of Russia in particular."

Nevertheless, he recommended—

"a continuous preparedness for war in order to (a) counterattack at any time, and (b) to enable the military exploitation of politically favorable opportunities should they occur."

If these defendants may now cynically plead self-defense, although no good-faith need of self-defense was asserted or contemplated by any responsible leader at the time, it reduces non-aggression treaties to a legal absurdity. They become only additional instruments of deception in the hands of the aggressor and traps for well-meaning nations. If there be in non-aggression pacts an implied condition that each nation may make a *bona fide* judgment as to the necessity for self-defense against imminent threatened attack, they certainly cannot be invoked to shelter those who never made any such judgment at all.

In opening this case I ventured to predict that there would be no serious denial that the crimes charged were committed, and that the issue would concern the responsibility of particular defendants. The defendants have fulfilled that prophecy. Generally, they do not deny that these things happened, but it is contended that they "just happened", and that they were not the result of a common plan or conspiracy.

One of the chief reasons the defendants say there was no conspiracy is the argument that

conspiracy was impossible with a dictator. The argument runs that they all had to obey Hitler's orders, which had the force of law in the German state, and hence obedience cannot be made the basis of a criminal charge. In this way it is explained that while there have been wholesale killings, there have been no murderers.

This argument is an effort to evade article 8 of the Charter, which provides that the order of the government or of a superior shall not free a defendant from responsibility but can only be considered in mitigation. This provision of the Charter corresponds with the justice and with the realities of the situation, as indicated in defendant Speer's description of what he considered to be the common responsibility of the leaders of the German nation:

" . . . with reference to utterly decisive matters, there is total responsibility. There must be total responsibility insofar as a person is one of the leaders, because who else could assume responsibility for the development of events, if not the immediate associates who work with and around the head of the state?"

And again he told the Tribunal:

" . . . it is impossible after the catastrophe to evade this total responsibility. If the war had been won, the leaders would also have assumed total responsibility."

Like much of defense counsel's abstract arguments, the contention that the absolute power of Hitler precluded a conspiracy crumbles in face of the facts of record. The *Führerprinzip* of absolutism was itself a part of the common plan, as Göring has pointed out. The defendants may have become slaves of a dictator, but he was *their* dictator. To make him such was, as Göring has testified, the object of the Nazi movement from the beginning. Every Nazi took this oath:

"I pledge eternal allegiance to Adolf Hitler. I pledge unconditional obedience to him and the *führers* appointed by him."

Moreover, they forced everybody else in their power to take it. This oath was illegal under German law, which made it criminal to become a member of an organization in which obedience to "unknown superiors or unconditional obedience to known superiors is pledged". These men de-

stroyed free government in Germany and now plead to be excused from responsibility because they became slaves. They are in the position of the fictional boy who murdered his father and mother and then pleaded for leniency because he was an orphan.

What these men have overlooked is that Adolf Hitler's acts are their acts. It was these men among millions of others, and it was these men leading millions of others, who built up Adolf Hitler and vested in his psychopathic personality not only innumerable lesser decisions but the supreme issue of war or peace. They intoxicated him with power and adulation. They fed his hates and aroused his fears. They put a loaded gun in his eager hands. It was left to Hitler to pull the trigger, and when he did they all at that time approved. His guilt stands admitted, by some defendants reluctantly, by some vindictively. But his guilt is the guilt of the whole dock, and of every man in it.

But it is urged that these defendants could not be in agreement on a common plan or in a conspiracy because they were fighting among themselves or belonged to different factions or cliques. Of course, it is not necessary that men should agree on everything in order to agree on enough things to make them liable for a criminal conspiracy. Unquestionably there were conspiracies within the conspiracy, and intrigues and rivalries and battles for power. Schacht and Göring disagreed, but over which of them should control the economy, not over whether the economy should be regimented for war. Göring claims to have departed from the plan because through Dahlerus he conducted some negotiations with men of influence in England just before the Polish war. But it is perfectly clear that this was not an effort to prevent aggression against Poland but to make that aggression successful and safe by obtaining English neutrality. Rosenberg and Göring may have had some differences as to how stolen art should be distributed but they had none about how it should be stolen. Jodl and Göbbels may have disagreed about whether to denounce the Geneva convention, but they never disagreed about violating it. And so it goes through the whole long and sordid story. Nowhere do we find an instance where any one of the defendants stood up against the rest and said "This thing is wrong and I will not go along with

it". Wherever they differed, their differences were as to method or disputes over jurisdiction, but always within the framework of the common plan.

Some of the defendants also contend that in any event there was no conspiracy to commit war crimes or crimes against humanity because cabinet members never met with the military to plan these acts. But these crimes were only the inevitable and incidental results of the plan to commit the aggression for *Lebensraum* purposes. Hitler stated, at a conference with his commanders, that—

"The main objective in Poland is the destruction of the enemy and not the reaching of a certain geographical line."

Frank picked up the tune and suggested that when their usefulness was exhausted,

". . . then, for all I care mincemeat can be made of the Poles and Ukrainians and all the others who run around here—it does not matter what happens."

Reichscommissar Koch in the Ukraine echoed the refrain:

"I will draw the very last out of this country. I did not come to spread bliss."

This was *Lebensraum* on its seamy side. Could men of their practical intelligence expect to get neighboring lands free from the claims of their tenants without committing crimes against humanity?

The last stand of each defendant is that even if there was a conspiracy he was not in it. It is therefore important in examining their attempts at avoidance of responsibility to know, first of all, just what it is that a conspiracy charge comprehends and punishes.

In conspiracy we do not punish one man for another man's crime. We seek to punish each for his own crime of joining a common criminal plan in which others also participated. The measure of the criminality of the plan and therefore of the guilt of each participant is, of course, the sum total of crimes committed by all in executing the plan. But the gist of the offense is participation in the formulation or execution of the plan. These are rules which every society has found necessary in order to reach men, like these defendants, who

never get blood on their own hands but who lay plans that result in the shedding of blood. All over Germany today, in every zone of occupation, little men who carried out these criminal policies under orders are being convicted and punished. It would present a vast and unforgiveable caricature of justice if the men who planned these policies and directed those little men should escape all penalty.

These men in this dock, on the face of the record, were not strangers to this program of crime, nor was their connection with it remote or obscure. We find them in the very heart of it. The positions they held show that we have chosen defendants of self-evident responsibility. They are the very top surviving authorities in their respective fields and in the Nazi state. No one lives who, at least until the very last moments of the war, outranked Göring in position, power, and influence. No soldier stood above Keitel and Jodl, and no sailor above Räder and Dönitz. Who can be responsible for the duplicitous diplomacy if not the Foreign Ministers, Von Neurath and Ribbentrop, and the diplomatic handy man, Von Papen? Who should be answerable for the oppressive administration of occupied countries if Gauleiters, Protectors, Governors, and Commissars such as Frank, Seyss-Inquart, Frick, Von Schirach, Von Neurath, and Rosenberg are not? Where shall we look for those who mobilized the economy for total war if we overlook Schacht, and Speer, and Funk? Who was the master of the great slaving enterprise if it was not Sauckel? Where shall we find the hand that ran the concentration camps if it is not the hand of Kaltenbrunner? And who whipped up the hates and fears of the public, and manipulated the party organizations to incite these crimes, if not Hess, Von Schirach, Fritzche, Bormann, and the unspeakable Julius Streicher? The list of defendants is made up of men who played indispensable and reciprocal parts in this tragedy. The photographs and films show them again and again together on important occasions. The documents show them agreed on policies and on methods, and all working aggressively for the expansion of Germany by force of arms.

Each of these men made a real contribution to the Nazi plan. Every man had a key part. Deprive the Nazi regime of the functions performed by a Schacht, a Sauckel, a Von Papen, or a

Göring, and you have a different regime. Look down the rows of fallen men and picture them as the photographic and documentary evidence shows them to have been in their days of power. Is there one whose work did not substantially advance the conspiracy along its bloody path towards its bloody goal? Can we assume that the great effort of these men's lives was directed towards ends they never suspected?

To escape the implications of their positions and the inference of guilt from their activities, the defendants are almost unanimous in one defense. The refrain is heard time and again: these men were without authority, without knowledge, without influence, indeed without importance. Funk summed up the general self-abasement of the dock in his plaintive lament that—

"I always, so to speak, came up to the door. But I was not permitted to enter."

In the testimony of each defendant, at some point there was reached the familiar blank wall: nobody knew anything about what was going on. Time after time we have heard the chorus from the dock:

"I only heard about these things here for the first time."

These men saw no evil, spoke none, and none was uttered in their presence. This claim might sound very plausible if made by one defendant. But when we put all their stories together, the impression which emerges of the Third Reich, which was to last a thousand years, is ludicrous. If we combine only the stories from the front bench, this is the ridiculous composite picture of Hitler's government that emerges. It was composed of:

A no. 2 man who knew nothing of the excesses of the Gestapo which he created, and never suspected the Jewish extermination program although he was the signer of over a score of decrees which instituted the persecutions of that race;

A no. 3 man who was merely an innocent middleman transmitting Hitler's orders without even reading them, like a postman or delivery boy;

A Foreign Minister who knew little of foreign affairs and nothing of foreign policy;

A Field Marshal who issued orders to the armed forces but had no idea of the results they would have in practice;

A security chief who was of the impression that

the policing functions of his Gestapo and SD were somewhat on the order of directing traffic;

A party philosopher who was interested in historical research and had no idea of the violence which his philosophy was inciting in the twentieth century;

A Governor General of Poland who reigned but did not rule;

A Gauleiter of Franconia whose occupation was to pour forth filthy writings about the Jews, but had no idea that anybody would read them;

A Minister of the Interior who knew not even what went on in the interior of his own office, much less the interior of his own department, and nothing at all about the interior of Germany;

A Reichsbank President who was totally ignorant of what went in and out of the vaults of his bank;

And a Plenipotentiary for the War Economy who secretly marshaled the entire economy for armament, but had no idea it had anything to do with war.

This may seem like a fantastic exaggeration, but this is what you would actually be obliged to conclude if you were to acquit these defendants.

They do protest too much. They deny knowing what was common knowledge. They deny knowing plans and programs that were as public as *Mein Kampf* and the party program. They deny even knowing the contents of documents they received and acted upon.

Nearly all the defendants take two or more conflicting positions. Let us illustrate the inconsistencies of their positions by the record of one defendant—one who, if pressed, would himself concede that he is the most intelligent, honorable, and innocent man in the dock. That is Schacht. And this is the effect of his own testimony—but let us not forget that I recite it not against him alone, but because most of its self-contradictions are found in the testimony of several defendants:

Schacht did not openly join the Nazi movement until it had won, nor openly desert it until it had lost. He admits that he never gave it public opposition, but asserts that he never gave it private loyalty. When we demand of him why he did not stop the criminal course of the regime in which he was a Minister, he says he had not a bit of influence. When we ask why he remained a member of the criminal regime, he tells us that by sticking on he

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expected to moderate its program. Like a Brahmin among Untouchables, he could not bear to mingle with the Nazis socially, but never could he afford to separate from them politically. Of all the Nazi aggressions by which he now claims to have been shocked, there is not one that he did not support before the world with the weight of his name and prestige. Having armed Hitler to blackmail a continent, his answer now is to blame England and France for yielding.

Schacht always fought for his position in a regime he now affects to despise. He sometimes disagreed with his Nazi confederates about what was expedient in reaching their goal, but he never dissented from the goal itself. When he did break with them in the twilight of the regime, it was over tactics, not principles. From then on he never ceased to urge others to risk their positions and their necks to forward his plots, but never on any occasion did he hazard either of his own. He now boasts that he personally would have shot Hitler if he had had the opportunity, but the German newsreel shows that even after the fall of France, when he faced the living Hitler, he stepped out of line to grasp the hand he now claims to loath and hung upon the words of the man he now says he thought unworthy of belief. Schacht says he steadily "sabotaged" the Hitler government. Yet the most relentless secret service in the world never detected him doing the regime any harm until long after he knew the war to be lost and the Nazis doomed. Schacht, who dealt in hedges all his life, always kept himself in a position to claim that he was in either camp. The plea for him is as specious on analysis as it is persuasive on first sight. Schacht represents the most dangerous and reprehensible type of opportunism—that of the man of influential position who is ready to join a movement that he knows to be wrong because he thinks it is winning.

These defendants, unable to deny that they were the men in the very top ranks of power, and unable to deny that the crimes I have outlined actually happened, know that their own denials are incredible unless they can suggest someone who is guilty.

The defendants have been unanimous, when pressed, in shifting the blame on other men, sometimes on one and sometimes on another. But the names they have repeatedly picked are Hitler, Himmler, Heydrich, Göbbels, and Bormann. All of these are dead or missing. No matter how hard

we have pressed the defendants on the stand, they have never pointed the finger at a living man as guilty. It is a temptation to ponder the wondrous workings of a fate which has left only the guilty dead and only the innocent alive. It is almost too remarkable.

The chief villain on whom blame is placed—some of the defendants vie with each other in producing appropriate epithets—is Hitler. He is the man at whom nearly every defendant has pointed an accusing finger.

I shall not dissent from this consensus, nor do I deny that all these dead or missing men shared the guilt. In crimes so reprehensible that degrees of guilt have lost their significance they may have played the most evil parts. But their guilt cannot exculpate the defendants. Hitler did not carry all responsibility to the grave with him. All the guilt is not wrapped in Himmler's shroud. It was these dead whom these living chose to be their partners in this great conspiratorial brotherhood, and the crimes that they did together they must pay for one by one.

It may well be said that Hitler's final crime was against the land that he had ruled. He was a mad messiah who started the war without cause and prolonged it without reason. If he could not rule he cared not what happened to Germany. As Fritzsche has told us from the stand, Hitler tried to use the defeat of Germany for the self-destruction of the German people. He continued the fight when he knew it could not be won, and continuance meant only ruin. Speer, in this courtroom, has described it as follows:

" . . . The sacrifices which were made on both sides after January 1945 were without sense. The dead of this period will be the accusers of the man responsible for the continuation of that fight, Adolf Hitler, just as much as the destroyed cities, destroyed in that last phase, who had lost tremendous cultural values and tremendous numbers of dwellings. . . . The German people remained faithful to Adolf Hitler until the end. He has betrayed them knowingly. He has tried to throw it into the abyss."

Hitler ordered every one else to fight to the last and then retreated into death by his own hand. But he left life as he lived it, a deceiver; he left the official report that he had died in battle. This was the man whom these defendants exalted to a

Führer. It was they who conspired to get him absolute authority over all of Germany. And in the end he and the system they created for him brought the ruin of them all. As stated by Speer on cross-examination:

" . . . the tremendous danger, however, contained in this totalitarian system only became abundantly clear at the moment when we were approaching the end. It was then that one could see what the meaning of the principle was, namely, that every order should be carried out without any criticism. Everything . . . you have seen in the way of orders which were carried out without any consideration, did after all turn out to be mistakes. . . . This system—let me put it like this—to the end of the system it has become clear what tremendous dangers are contained in any such system, as such, quite apart from Hitler's principle. The combination of Hitler and this system, then brought about this tremendous catastrophe to this world."

But let me for a moment turn devil's advocate. I admit that Hitler was the chief villain. But for the defendants to put all blame on him is neither manly nor true. We know that even the head of a state has the same limits to his senses and to the hours of his day as do lesser men. He must rely on others to be his eyes and ears as to most that goes on in a great empire. Other legs must run his errands; other hands must execute his plans. On whom did Hitler rely for such things more than upon these men in the dock? Who led him to believe he had an invincible air armada if not Göring? Who kept disagreeable facts from him? Did not Göring forbid Fieldmarshal Milch to warn Hitler that in his opinion Germany was not equal to the war upon Russia? Did not Göring, according to Speer, relieve General Gallant of his air-force command for speaking of the weaknesses and bungling of the air force? Who led Hitler, utterly untraveled himself, to believe in the indecision and timidity of democratic peoples if not Ribbentrop, Von Neurath, and Von Papen? Who fed his illusion of German invincibility if not Keitel, Jodl, Räder, and Dönitz? Who kept his hatred of the Jews inflamed more than Streicher and Rosenberg? Who would Hitler say deceived him about conditions in concentration camps if not Kaltenbrunner, even as he would deceive us? These men had access to Hitler, and often con-

trolled the information that reached him and on which he must base his policy and his orders. They were the Praetorian Guard, and, while they were under Caesar's orders, Caesar was always in their hands.

If these dead men could take the witness stand and answer what has been said against them, we might have a less distorted picture of the parts played by these defendants. Imagine the stir that would occur in the dock if it should behold Adolf Hitler advancing to the witness box, or Himmler with an armful of dossiers, or Göbbels, or Bormann with the reports of his party spies, or the murdered Röhm or Canaris. The ghoulish defense that the world is entitled to retribution only from the cadavers is an argument worthy of the crimes at which it is directed.

We have presented to this Tribunal an affirmative case based on incriminating documents which are sufficient, if unexplained, to require a finding of guilt on Count One against each defendant. In the final analysis, the only question is whether the defendants' own testimony is to be credited as against the documents and other evidence of their guilt. What, then, is their testimony worth?

The fact is that the Nazi habit of economizing in the use of truth pulls the foundations out from under their own defenses. Lying has always been a highly approved Nazi technique. Hitler, in *Mein Kampf*, advocated mendacity as a policy. Von Ribbentrop admits the use of the "diplomatic lie". Keitel advised that the facts of rearmament be kept secret so that they could be denied at Geneva. Räder deceived about rebuilding the German Navy in violation of Versailles. Göring urged Ribbentrop to tell a "legal lie" to the British Foreign Office about the *Anschluss*, and in so doing only marshaled him the way he was going. Göring gave his word of honor to the Czechs and proceeded to break it. Even Speer proposed to deceive the French into revealing the specially trained among their prisoners.

Nor is the lie direct the only means of falsehood. They all speak with a Nazi doubletalk with which to deceive the unwary. In the Nazi dictionary of sardonic euphemisms *Final solution of the Jewish problem* was a phrase which meant extermination; *Special treatment* of prisoners of war meant killing; *Protective custody* meant concentration camp; *Duty labor* meant slave labor; and an order to "take a firm attitude" or "take positive meas-

ures" meant to act with unrestrained savagery. Before we accept their word at what seems to be its face, we must always look for hidden meanings. Göring assured us, on his oath, that the Reich Defense Council never met "as such". When we produced the stenographic minutes of a meeting at which he presided and did most of the talking, he reminded us of the "as such" and explained this was not a meeting of the Council "as such" because other persons were present. Göring denies "threatening" Czechoslovakia—he only told President Hacha that he would "hate to bomb the beautiful city of Prague".

Besides outright false statements and double-talk, there are also other circumventions of truth in the nature of fantastic explanations and absurd professions. Streicher has solemnly maintained that his only thought with respect to the Jews was to resettle them on the Island of Madagascar. His reason for destroying synagogues, he blandly said, was only because they were architecturally offensive. Rosenberg was stated by his counsel to have always had in mind a "chivalrous solution" to the Jewish problem. When it was necessary to remove Schuschnigg after the *Anschluss*, Ribbentrop would have had us believe that the Austrian Chancellor was resting at a "villa". It was left to cross-examination to reveal that the "villa" was Buchenwald Concentration Camp. The record is full of other examples of dissimulations and evasions. Even Schacht showed that he, too, had

adopted the Nazi attitude that truth is any story which succeeds. Confronted on cross-examination with a long record of broken vows and false words, he declared in justification:

"I think you can score many more successes when you want to lead someone if you don't tell them the truth than if you tell them the truth."

This was the philosophy of the National Socialists. When for years they have deceived the world, and masked falsehood with plausibilities, can anyone be surprised that they continue the habits of a lifetime in this dock? Credibility is one of the main issues of this trial. Only those who have failed to learn the bitter lessons of the last decade can doubt that men who have always played on the unsuspecting credulity of generous opponents would not hesitate to do the same now.

It is against such a background that these defendants now ask this Tribunal to say that they are not guilty of planning, executing, or conspiring to commit this long list of crimes and wrongs. They stand before the record of this trial as blood-stained Gloucester stood by the body of his slain King. He begged of the widow, as they beg of you: "Say I slew them not." And the Queen replied, "Then say they were not slain. But dead they are. . . ." If you were to say of these men that they are not guilty, it would be as true to say there has been no war, there are no slain, there has been no crime.

## Mobilizing the Forces of International Law for Peace and Against Aggression

ADDRESS BY ROBERT H. JACKSON<sup>1</sup>

In 25 years the attitude of leaders of the German state deteriorated morally as well as in disrespect for law. Bethmann-Hollweg<sup>2</sup> at least recognized the existence of international law, knew that there was a difference between right and wrong, and chose the wrong with knowledge that a reckoning would be due. Hitler, on the contrary, acknowledged no moral values. To him

there was no right and no wrong. There was only strength and weakness.

But the real test of progress is not whether the lawless had come to respect the law. The problem was whether in the interval between two wars the people who really believed in law, who

<sup>1</sup> Delivered in Brussels, Belgium, on May 31, 1946 before the Court of Cassation.

<sup>2</sup> Chancellor of Germany in 1914.

wanted an orderly and peaceful world, had made any progress in adapting the law of nations to dealing with international lawlessness. We all know that in 1918 the legal world was intellectually unprepared to bring the forces of the law to right the wrongs of that time. Nevertheless, even then some far-sighted jurists urged that admitted illegalities be punished. Lord Birkenhead, Attorney General of England, spoke these prophetic words:

"It is necessary for all time to teach the lesson that failure is not the only risk which a man possessing at the moment in any country despotic powers and taking the awful decision between Peace and War, has to fear. If ever again that decision should be suspended in nicely balanced equipoise, at the disposition of an individual, let the ruler who decides upon war know that he is gambling, amongst other hazards, with his own personal safety."

But as we all know, while war crimes were much denounced talk of punishment ended with ineffective gestures. That period, which was distinguished for valor in war, was not less memorable for timidity in peace. A part of this timidity by statesmen was, no doubt, due to the fact that the principles which now outlaw aggressive warfare were then immature and vague, and had not acquired that definiteness and firmness which we like law to possess.

International law as taught in the nineteenth century refused to condemn any war as illegal no matter how morally bad it was. International law refused to draw any distinction between the just and unjust war as earlier scholars had done. Also, it was thought to operate only on states, never on statesmen. Of course, law usually can be enforced against states only by war, for unfortunately war is about the only effective sanction we have developed for coercing a state. Thus, the law's only redress for an illegal war was more war.

In the presence of this company I do not need to recite the steps taken between the two wars by which the concept of the illegal war of aggression came to supplant the imperialistic teaching that all wars were legal. Your country steadily supported efforts to outlaw wars of aggression. You

watched those international conferences more closely than did the people of America because they were closer to you. You valued the assurances of those various treaties highly because they meant so much to your security. You relied more heavily on international law than did we, who relied on what seemed remoteness from the scene of probable conflict. But, in spite of our fancied remoteness, I am proud to say that some of the effective leadership in the movement has come from American statesmen, such as Wilson, Kellogg, Hughes, Stimson, Hull, and, of course, President Roosevelt.

The question at the close of this war was whether we would have the fortitude and courage to apply the concept that it is a crime to institute wars of aggression. It was here that President Truman's vision and determination proved such an asset to the world. He set in motion the process which finds its culmination at Nürnberg.

The London agreement of August 8, 1945 between the United Kingdom, France, the Soviet Union, and the United States for the trial of persons accused of crimes against peace, war crimes, and crimes against humanity represents one of this generation's desperate efforts to stem the bloody tide of our century and bring mankind to its senses.<sup>1</sup> I shall not stop to answer the fears of the timid and reactionary nor to controvert the protests of those affected by it. I speak of its results. War can no longer be a game in which statesmen stake the lives of their people but never their own. A man who incites or starts a war of aggression now does so with a noose about his own neck. Maybe it will never be drawn, even if it deserves to be. But the noose—and the risk—is there. The London agreement may make officials think twice before attacking neighbor states.

If I am right in believing that security of the peace lies in our cultural more than in our physical equipment, then this change evidenced and consummated by the London agreement is not without important consequences. It will help to straighten out men's thinking about war.

Teaching our young statesmen an international-law doctrine that all wars must be regarded as legal, and that no legal distinction can be made between the just and the unjust war, could not help but exert powerful influence towards acceptance of war as an honorable way of achieving ends. To instruct them that there is no individual legal

<sup>1</sup> BULLETIN of Aug. 12, 1945, p. 222.

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responsibility on statesmen for war-making could not fail to weaken their sense of moral responsibility as well. And such instruction may be known by its fruits—two world wars.

We are approaching the ideal of Woodrow Wilson that you, Mr. President, have quoted. We are trying to "give to International Law the kind of vitality which it can only have if it is a real expression of our moral judgment". Laymen and untrained minds have long instinctively regarded aggressive war as morally wrong and inconsistent with civilization. Today the common sense of mankind is also the law of nations. At last we have mobilized the forces of the law on the side of peace and against aggression. The strength of the law may not always be equal to preventing wars, but at least it will no longer sanctify them. But most of all, we men of the law will no longer be perpetuating an immoral doctrine that all wars are legal. Wars of aggression are now, beyond denial, illegal, and those who induce, incite, or

wage them are criminal. The world has taken a long time to reach the point of making it as much a crime to incite a war as it is to incite a riot, as dangerous to attack the world's peace as it has long been to act against the king's peace.

I have the deepest appreciation of the generous credit you give me for these things—credit beyond my due. But more significant than the honor to me is the significance of your adherence to the philosophy, as your Government has adhered to the text, of the agreement of London. This ceremony, like the Honorary Doctorate conferred by the ancient and respected University of Brussels, is the outward and visible sign that we share a common faith in the law as a redeemer of our century from its bloody beginnings. Representing our respective peoples, may we renew our historic friendship and dedicate ourselves in peace as in war to continue the struggle for law against lawlessness, whether among individuals or nations.

## Nazi Conspiracy and Aggression, Volume III

*Nazi Conspiracy and Aggression* is a series of eight volumes which will contain English translations of all of the documentary evidence collected by the American and British prosecuting staffs for the trial of the major Nazi war criminals at Nürnberg, together with explanatory material in essay form which gives background for and explains the documents. Volumes I and II will contain this explanatory material. The remaining six volumes, of which the present volume III is the first published, contain the documentary material.

This series makes available for the first time to the Allied world the documented story of Nazi Germany. Primarily, of course, the documents are concerned with the guilt of the leaders of the German Reich, but they contain a wealth of general information illuminating many dark corners of recent history. Available for the first time will be the documentary materials on: how the Nazi conspirators gained control of Germany; how they purged their political opponents; how they destroyed their trade unions and persecuted churches; how they plotted and launched aggres-

sive war against Austria, Poland, Norway, the Low Countries, and other nations; how they persecuted the Jews; how they collaborated with Italy and Japan; how they set up a slave-labor program with its concentration camps; and many other topics.

The documents are arranged in the volumes according to a series of numbers that were given to them as they were discovered and classified, and consequently are not arranged in topical or chronological order within each volume. The present volume III, however, contains many documents of outstanding interest. At the beginning of this volume is the basic affidavit explaining how the documentary materials were collected and identified. In addition are several documents originating with Adolf Hitler: his basic intention to overthrow the Weimar republic; his plan for the invasion of England; directive for the invasion of Russia; his order of October 1942 for the killing of commandos; and his speech to his commanders in August 1939 dealing with the beginning of the war against Poland. There are notes of a confer-

ence of top Nazi leaders in November 1937 concerning the plan of the war and the 1938 German master plans for the war with particular reference to Czechoslovakia. There are also some early documents such as the minutes of the first meeting of the Hitler cabinet in 1933 and the May 1935 memorandum from Schacht to Hitler concerning the financing of the armament program. There are also a number of documents relating to the Nazi treatment of the Jews, such as: Göring's order of 1940 on the seizure of Jewish art treasures; a series of teletype orders from Gestapo headquarters initiating the "spontaneous uprising against the Jews" in 1933; a letter from Göring to Heydrich concerning the solution of the Jewish question; and the official SS report on the elimination of the Warsaw Ghetto. There is included a top-secret memorandum of a General Staff officer, dealing among other things with occupation of the Atlantic islands with a view to prosecution of war against America at a later date. In addition, there are miscellaneous documents of considerable interest, such as: the Rosenberg report on political preparation for the invasion of Norway; the Sauckel program for mobilization of labor; a circular by Martin Bormann of November 1943 demanding harsher treatment of prisoners of war; a collection of documents on execution in gas vans; and a secret German report on the Austrian *Anschluss*.

The materials in *Nazi Conspiracy and Aggression* were edited by Capt. Roger W. Barrett, JAGD, and William E. Jackson, Lt. (j.g.), USNR, and have been approved by Justice Robert H. Jackson, U.S. Chief of Counsel at Nürnberg.

Acknowledgment must also be made of the very effective labors of the British Delegation in preparing those materials in chapter IX on Aggressive War Relating to Aggression as a Basic Nazi Idea, the Violation of Treaties, and the Aggressions against Poland, Danzig, England, France, Norway and Denmark, the Low Countries, and the Balkans, as well as the materials in the sections on Individual Defendants relating to Streicher, Räder, Dönitz, Von Neurath, and Von Ribbentrop. This share of the common task was borne by Sir David Maxwell-Fyfe, K.C., M.P., Mr. Geoffrey D. Roberts, K.C., Lt. Col. J. M. G. Griffith-Jones, M.C., Col. Harry J. Phillimore,

O.B.E., and Maj. Elwyn Jones, M.P. The British opening address was delivered by the Attorney General and chief of the British Delegation, Sir Hartley Shawcross, K.C., M.P.

Recognition is also due to Miss Alma Soller and Miss Mary Burns, for their loyal and capable assistance in all the harassing details of compiling, editing, and indexing these numerous papers.

One final word should be said in recognition of the financial burden assumed by the State and War Departments, which have generously joined in allocating from their budgets the very considerable funds required to make this publication possible.

## Comment on Admission of Displaced Jews to Palestine

[Released to the press by the White House August 16]

Although the President has been exchanging views with Mr. Attlee on the subject, this Government has not presented any plan of its own for the solution of the problem of Palestine. It is the sincere hope of the President, however, that as a result of the proposed conversations between the British Government and Jewish and Arab representatives a fair solution of the problem of Palestine can be found and immediate steps can be taken to alleviate the situation of the displaced Jews in Europe. It is clear that no settlement of the Palestine problem can be achieved which will be fully satisfactory to all of the parties concerned and that, if this problem is to be solved in a manner which will bring peace and prosperity to Palestine, it must be approached in a spirit of conciliation.

It is also evident that the solution of the Palestine question will not in itself solve the broader problem of the hundreds of thousands of displaced persons in Europe. The President has been giving this problem his special attention and hopes that arrangements can be entered into which will make it possible for various countries, including the United States, to admit many of these persons as permanent residents. The President on his part is contemplating seeking the approval of Congress for special legislation authorizing the entry into the United States of a fixed number of these persons, including Jews.

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## Report of Arrival in U.S. of Displaced Persons

[Released to the press by the White House August 15]

The President has received the following letter from the Acting Commissioner of Immigration and Naturalization:

August 7, 1946.

MY DEAR MR. PRESIDENT:

In response to your request, the following is reported concerning the arrival in the United States of displaced persons whose immigration was facilitated by your directive of December 22, 1945.<sup>1</sup>

The Immigration and Naturalization Service has received and approved corporate affidavits from the following named organizations guaranteeing financial support to designated numbers of aliens to be sponsored by the organizations:

The American Christian Committee for Refugees, Inc.  
147 West 42nd Street  
New York 18, New York

The Catholic Committee for Refugees  
265 West 14th Street  
New York 11, New York

Hebrew Sheltering and Immigrant Aid Society  
425 Lafayette Street,  
New York 3, New York

International Rescue and Relief Committee, Inc.,  
103 Park Avenue,  
New York 17, New York

National Refugee Service, Incorporated,  
105 Nassau Street,  
New York 7, New York

United States Committee for the Care of European Children, Inc.,  
215 Fourth Avenue,  
New York 3, New York

Vaad Hatzala Emergency Committee,  
132 Nassau Street,  
New York, New York

The American Christian Committee for Refugees signed a corporate affidavit for 500 people and indicated that it will increase the number as needed. This agency which will provide for persons who are non-Roman Catholic and non-Jewish has instructed its overseas workers as follows:

(a) Priority should be given to families, particularly where there are small children involved.

(b) In making up the monthly quotas, it shall be the policy to have as many as possible of the

Protestant and Eastern Orthodox groups in Europe represented.

(c) In so far as possible, the overseas staff shall make known the strong preference of the Joint Christian Committee to reserve places on the corporate affidavit of the ACRR for persons for whom adequate individual affidavits are not available, leaving persons with strong affidavits of support to come in *outside* their corporate affidavit on so called "individual affidavits."

The Catholic Committee for Refugees has provided a corporate affidavit for 200 Roman Catholic persons, and has indicated it will increase the number where it becomes necessary. The International Rescue and Relief Committee has provided a corporate affidavit for 500 people. This group is non-sectarian and is interested in specified individuals.

The National Refugee Service has signed a corporate affidavit for 3500 people and will increase this number whenever it becomes necessary.

The Hebrew Sheltering and Immigrant Aid Society has signed a corporate affidavit for 4500 Jewish persons.

The Vaad Hatzala Emergency Committee is interested in Orthodox Jews. It is especially interested in Orthodox Rabbis, scholars, and their children and has signed a corporate affidavit for 1000 persons.

The United States Committee for the Care of European Children has signed a corporate affidavit for 2000 children and is the only organization authorized to sponsor unaccompanied children. They are willing to place on their corporate affidavit and make plans for the care of all unaccompanied children under eighteen years of age among the displaced persons group who are orphans, or presumed to be orphans. When there are groups of children who are brothers and sisters and some of the group are over eighteen years, the U. S. Committee will take care of the entire group.

As of August 7, 1946, approximately 3452 aliens have arrived in the United States under this project. (It is necessary to approximate the number because, although it was intended that all of the

<sup>1</sup> BULLETIN of Dec. 23, 1945, p. 983.

immigrants should travel to the United States on board the SS. *Marine Flasher* and SS. *Marine Perch*, some aliens to whom visas were issued entered the United States by other means of transportation and at ports other than New York). The SS. *Marine Flasher* has made three trips arriving at the port of New York on May 20, 1946 with 794 displaced persons, on June 18, 1946 with 587 such persons, and on July 15, 1946 with 360 displaced persons. The SS. *Marine Perch* has made three trips, arriving at New York on May 24, 1946 with 564 displaced persons, on June 24, 1946 with 606 displaced persons, and on July 27, 1946 with 541 displaced persons.

The seven social agencies which are giving corporate affidavits have sent representatives to Europe to work in the displaced persons camps and assist in this program. These same agencies meet the *Marine Perch* and *Marine Flasher* on each arrival in New York and arrange for these immi-

grants to meet interested relatives or to establish for themselves maintenance and resettlement in the United States. Arrivals destined to the agencies have been scattered all over the country. The American Christian Committee for Refugees reports a group of Yugoslavs already enthusiastically settled on farms in the midwest. The U. S. Committee for the Care of European Children has been able to place children in many of the principal cities of the United States.

It is very interesting to note that some persons who arrived in the earlier boats are meeting relatives and friends arriving on later boats and are proudly welcoming and "explaining America to them", and that reports have come from various parts of the United States that these people have already officially filed declarations of intention to become American citizens.

Respectfully,

T. B. SHOEMAKER  
Acting Commissioner

## Procedural Organization of Allied Council for Japan

### REMARKS BY AMERICAN REPRESENTATIVE AND CHAIRMAN OF THE COUNCIL<sup>1</sup>

This is a special meeting called for the purpose of reviewing the procedural organization of the Council with a view to determination of what procedures, to be observed by all members, may be expected to facilitate and regularize the Council's work, to place the Council on a businesslike basis and in general to improve the work of the Council.

Before we enter into discussion of details, I wish to offer comment in regard to what in my mind is the fundamental question before us. It is a question which long has given me concern both as United States member and as chairman having responsibility for the conduct of the meetings. It is the broad question of the Council's possible contribution to the furtherance of the occupation in cooperation with the Supreme Commander.

<sup>1</sup> George Atcheson, Jr. These remarks were made before a special meeting of the Allied Council for Japan in Tokyo on Tuesday morning, Aug. 13, and released to the press on Aug. 14.

I am sure that the other members would wish me to offer some concrete solution of the fundamental question which I have mentioned. I propose to offer what I feel to be such a solution along broad and far-reaching lines.

There are perhaps a number of reasons for the state of affairs which has arisen in the Council. I have neither intention nor desire to engage in a survey of the Council's past activities or to undertake a general probing in the various aspects of this situation. On one important aspect, however, I think I may freely touch.

Observers of our proceedings have had the impression, rightly or wrongly, that there is resentment in the Council that the United States, by dictate of circumstance, has taken a predominant role in the occupation. There should be a way to overcome this obstacle to a smoother and more effective working of the Council and the proposal which I shall submit to you in due course has that end specifically in view.

But I must say at this juncture that I do not know why any such feeling should exist.

Militarily it fell to the United States, through no desire of its own, to take leadership in the great sacrifice of lives and material and in the heart-breaking effort necessary to encompass the defeat of Japan through the long years and over the vast spaces between Pearl Harbor and Atsugi. It fell to United States forces under General MacArthur to venture the historic landing into the armed camp that was Japan in late August and early September 1945. It fell to the United States to maintain the occupation for many months alone.

In the field of political matters it fell to the United States to formulate and put into effect the initial post-surrender policies for the occupation. Some time before the surrender, the United States invited the other Allies to join in establishing a Far Eastern Advisory Commission, but the response was such that the Commission was not set up until several months after the surrender. Meanwhile, the United States had no recourse but to carry forward the task and lay down necessary policies to achieve Allied objectives as set forth in the Potsdam Declaration. The Allies subsequently gave approval to United States policies and the actions thus taken. The Far Eastern Commission has been functioning since February and is formulating Allied policy decisions. What General MacArthur is engaged upon, therefore, is the momentous enterprise of moulding into history the concrete results of agreed-upon Allied policies.

The occupation authorities already have Jap cooperation. More and more as time goes on, the Japs have come to realize with increasing force and clarity that our ultimate aims are in the best interests of the Japs as well as in the interests of the world at large.

If we accept that the agreed-upon policies of the Allied governments continue to be in fact the policies of those governments, it is incontrovertible that all the Allies seek in fact the goals which they have announced as common, and, if this is the case, it follows that the Allied representatives on this Council must wish to see the occupation continue a success. It follows that the occupational authorities may rightly expect the whole-hearted collaboration of all Allied representatives. It

follows that the Allied representatives sitting here will give the Supreme Commander for the Allied powers ungrudging cooperation in the great task to which he is committed on behalf of their governments as well as on behalf of his Government and mine. I hope that this will come to be considered a fundamental principle, and that in placing subjects on the agenda, and in presenting and discussing agenda subjects, the members will make that principle the basis of future proceedings in the Council.

There is a long step which we can take toward facilitating and enhancing Allied cooperation at this table by broadening the forum of discussion so that all available Allied resources in knowledge and experience can be utilized to practical advantage and all directly concerned Allies contribute on the spot to the furtherance of Allied objectives. General MacArthur and I propose that the Council invite representatives of those 11 Allied powers which waged the Pacific war and which now have missions in Tokyo to sit here with us, informally and unofficially, and contribute their views. We would be glad to see our friend the British Ambassador sitting at this table. We would be glad to see our friend General Pechkoff, the French Ambassador, at the Council table. We would be glad to have our friend General Schilling, head of the Netherlands Military Mission, here with us. We would be glad if a representative of the Philippine Government were to join in our discussions. We would be happy to have all Allied representatives concerned make a valued contribution to our work and to the furtherance of occupation objectives.

There are, as you know, 11 nations represented on the Far Eastern Commission, which is now the Allied agency for the formulation of policies, principles, and standards in regard to occupational matters within the Commission's jurisdiction. It would be helpful to the Supreme Commander to have the advice and counsel of individual representatives of all those 11 nations. General MacArthur desires and seeks constructive advice and counsel from any and every source to assist him in his discharge of the tremendous responsibilities which rest upon his shoulders. That he seeks and welcomes the advice and counsel of all is, in my opinion, a reflection of the great

wisdom, profound insight, and far-seeing statesmanship with which he has handled the occupation.

Revision of the terms of reference of the Council is not proposed and is not in our hands. But we can, nevertheless, invite the chief Allied representatives in Tokyo to join with us at the Council table, informally and unofficially, in the discussion of substantive matters, other than procedural, which may properly be brought before the Council. By so doing, I submit, we will unquestionably increase the effectiveness of the Council in assisting the Supreme Commander, and will bring the Council to the forefront of the field, so vital today to all the world, of international goodwill and cooperation.

## Anniversary of Korean Liberation

### STATEMENT BY ACTING SECRETARY ACHESON

[Released to the press August 13]

Celebrations by Korean people on August 15 marking the anniversary of their liberation from Japanese domination will strike a responsive chord in the hearts of Americans.

The United States maintains a continuing interest in Korea and desires to see it attain a position of equality with other independent nations of the world. In December 1945 the United States joined the Union of Soviet Socialist Republics, China, and the United Kingdom in an agreement providing for the achievement of this objective.

The people of the United States share the Korean people's disappointment that negotiations for the implementation of the Moscow agreement have been temporarily suspended. Representatives of the United States stand ready to resume these negotiations at any time on a basis safeguarding the essentials of the new-found Korean liberty.

Meanwhile the United States military government is doing all in its power to enable the Korean

people to participate in democracy at work by encouraging them to take an active and responsible part in the administration of southern Korea. In contributing in this way to the solution of practical problems of administration, Koreans will acquire experience which should prove useful when their country is again united in independence and self-government.

## Present Conditions in China

### JOINT STATEMENT BY GENERAL MARSHALL AND AMBASSADOR STUART

Gen. George C. Marshall<sup>1</sup> and Dr. J. Leighton Stuart have been exploring together every possibility for terminating the present growing conflict in China and for the initiation of the preliminary steps in the development of a truly democratic form of government. The desire for a peaceful solution to the political problems appears practically unanimous on the part of the people. The economic situation demands a prompt solution if a disastrous collapse is to be avoided. The fighting is daily growing more wide-spread and threatens to engulf the country and pass beyond the control of those responsible. Both the Government and the Communist leaders are anxious to put an end to the fighting, but there are certain issues concerned in the immediate settlement involved regarding which an agreement has not been found. It appears impossible for the two parties to reach a settlement of these issues which would permit a general order to be issued for the complete cessation of hostilities in all of China. Certain of the unsettled issues relate to the military redisposition of troops. However, these apparently present less difficulty of settlement than a more fundamental issue concerning the character of local or county governments to be maintained in the regions which will be evacuated as a result of the military redisposition, pending a basic decision in such matters by the Constitutional Assembly.

<sup>1</sup> The President's Special Envoy to China.

## Recognition of New Bolivian Government

[Released to the press August 12]

Acting Secretary Dean Acheson announced on August 12 that the Government of the United States has extended full recognition to the Government of Bolivia, which is now organized under Acting President Néstor Guillén.

At noon on August 12 the American Ambassador in La Paz<sup>1</sup> informed the new Minister of Foreign Affairs of Bolivia of this action by the Government of the United States. Several American governments had previously granted recognition, and it is understood that others are taking similar action.

## Provision of Albanian Currency Law

[Released to the press August 13]

A new Albanian currency law went into effect July 15, 1946. The law provides that a person in Albania receiving remittances in the form of checks, bills of exchange, and money orders will receive 2.77 Albanian frances to the dollar, less the bank's commission. This compares with the former rate of 25 Albanian frances to the dollar.

It is understood that Albanian authorities open and inspect all parcels entering Albania from abroad. Wherever currency is encountered it is confiscated by the authorities. In such cases where the packages are forwarded to the addressees the latter have no means of knowing that friends and relatives have made an effort to forward currency to them.

## Summation of Activities in Japan

Summation no. 9 for the Month of June 1946 of Non-Military Activities in Japan, consisting of information on political, economic, and social activities, was released to the press by General Headquarters, Supreme Commander for the Allied Powers, in Tokyo and simultaneously by the War Department in Washington on August 10.

## Conservation of Cultural Property

[Released to the press August 16]

With the expiration of the three-year appointment of the American Commission for the Protection and Salvage of Artistic and Historic Monuments in War Areas, its continuing functions have been assumed by the Department of State to be administered by the Office of International Information and Cultural Affairs.

The appointment of the American Commission in August 1943 by President Roosevelt, upon the recommendation of the Secretary of State, Cordell Hull, was regarded as a proclamation to the world, friends and enemies, of our practical concern in protecting these symbols of civilization from injury and spoliation. The members of the American Commission, which included distinguished representatives of American universities, museums, libraries, and the church, and the Chairman, Owen J. Roberts, former Justice of the Supreme Court of the United States, have served throughout the term of their appointment without pay and have generously given their time in bringing about the fullest cooperation between American scholars and the American Government for the realization of their purposes.

The research on endangered cities in Europe and the Far East by the Committee of the American Council of Learned Societies for the Protection of Cultural Treasures in War Areas and the American Defense-Harvard Group was coordinated into a vigorous program under the Civil Affairs Division of the War Department. The pioneering and brilliant achievements of the monuments, fine-arts, and archives officers in Europe and the Far East have been widely publicized. With the close cooperation of the War, Navy, Treasury, and State Departments, the wartime activities of the American Commission have been brought to a successful conclusion.

The settlement of cultural property following hostilities necessitated the continuation by the Department of State of this coordination of Government activities. Plunder, no less than destruction,

<sup>1</sup> Joseph Flack.

is one of the chief hazards to art in time of war. The looting of art treasures by the Nazis has been prosecuted as a crime in the Nürnberg trials, and their ignominious glory in their cultural spoils has been condemned.

The immediate post-war problem consists of the reconstitution of the artistic and historic heritage of enemy-occupied countries. Since the surrender of Germany and Japan, the military government in the American zones of occupation has been giving the fullest aid to claimant countries in the location, the recovery, and the restitution of works of art which were widely dislocated by the enemy. The Treasury and State Departments are also tak-

ing every means to prevent the illegal entry or sale of stolen art in this country.

The protection of art in time of war is based upon the universally accepted principle that cultural property is inviolable. The United States Government, like the other Allied nations, seeks only the restoration of cultural objects to the rightful owners. The artistic and historic treasures of a nation are regarded as that nation's patrimony, and the great public collections of the world as an international heritage. It is the preservation of this irreplaceable cultural heritage of all nations which is recognized, today, as an international responsibility.

## The Foreign Service Act of 1946

### STATEMENT BY THE PRESIDENT

[Released to the press by the White House August 13]

It is significant that this bill (H.R. 6967, "to improve, strengthen, and expand the Foreign Service of the United States and to consolidate and revise the laws relating to its administration") comes to me for signature at just the time that the efforts of Secretary Byrnes at the Peace Conference are demonstrating how great a stake the United States has in world affairs. While we strive to reach international agreement on the large and confused issues, we can make progress by trying to perfect those instruments of international relations which it lies in our power to improve. This administration is doing everything possible to back up our participation in the United Nations and its ancillary organizations, and in the International Bank and the International Monetary Fund. This Foreign Service legislation is consistent with all our efforts in this field. It seeks to make the Service as efficient an instrument of our foreign policy as possible and to make our efforts to win the peace that much more effective.

The traditional responsibilities of the Foreign Service have increased in complexity and importance and many new duties have been added as a result of the inclusion in the Department of State of some of the functions of wartime agencies. The

efficient performance of this service is now more vital to the Government and individual American citizens than before the war. It must keep our Government informed with the greatest foresight and accuracy; it must make effective our policies in great countries and small; it must protect our citizens abroad in a troubled world and must promote our commerce under conditions of trade still influenced by the war and subject to controls not always familiar to the private trader.

The Foreign Service is now functioning as best it can on an outmoded plan laid down in 1924. In this bill we create a "new model" service. One of the basic reforms is a revision of the salary structure so that a man without independent means can serve his country as an Ambassador or Minister or in any Foreign Service position as effectively as a wealthy man. At the same time that the bill improves compensation it subjects the Service to more rigid requirements in regard to promotion and training; it seeks to keep our diplomats and consuls from losing touch with American life and thought by providing more frequent and varied assignments in this country; and it tries to make the Service truly representative of the whole Government and people by making it possible for the best qualified men and women in the country, in or

out of the Government, to have tours of duty with the Foreign Service in any of its ranks.

We hope to speed the success of our foreign policy by improving its instruments. For a country situated as we are, only the best possible Foreign Service will suffice; this new act will, I hope, provide the foundations on which we can build such a service.

## Provision for Reorganization of the Foreign Service

[Released to the press August 13]

The Foreign Service Act of 1946 which the President signed on August 13 provides the machinery by which the Department will carry out its new responsibilities throughout the world. It represents the first major reorganization in the Foreign Service since 1924 and by its flexible provisions will enable the Department to send abroad the highest type of personnel available in this country. By a more intensive training program and by more rigid standards of performance, the bill insures a Foreign Service which will treat with vigor and understanding the complex problems of the post-war world. The Department is gratified that it has this opportunity to make an effective and continuous contribution to peace.

## Visit of Colombian Archivist

Dr. Enrique Ortega Ricaurte, distinguished Colombian archivist and historian, and director of the National Archives of Colombia, is visiting the United States at the invitation of the Department of State. His principal interest is to visit archives in the United States and especially to study the material which pertains to the history of Colombia contained in the National Archives in Washington.

## Erratum

In the BULLETIN of August 11, 1946, pp. 272 and 273, the release lines of both reports should read "Released to the press by the White House August 2".

## The Department

### Establishment of Office of Under Secretary of State for Economic Affairs<sup>1</sup>

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established in the Department of State for a period of two years following the enactment and approval of this legislation by the President, the Office of Under Secretary of State for Economic Affairs, which shall be filled by appointment by the President, by and with the advice and consent of the Senate. The Under Secretary of State for Economic Affairs shall receive compensation at the rate of \$10,000 a year and shall perform such duties as may be prescribed by the Secretary of State. The Under Secretary of State for Economic Affairs shall serve subject to the direction of the Secretary of State and the Under Secretary of State.*

Approved August 1, 1946.

<sup>1</sup>An Act To establish the Office of Under Secretary of State for Economic Affairs, Public Law 590, 79th Cong. For H. Rept. 2249, see BULLETIN of June 23, 1946, p. 1093. William L. Clayton took the oath of office as Under Secretary of State for Economic Affairs on Aug. 17, 1946.

## Foreign Commerce Weekly

The following articles of interest to readers of the BULLETIN appeared in the August 10 issue of the *Foreign Commerce Weekly*, a publication of the Department of Commerce, copies of which may be obtained from the Superintendent of Documents, Government Printing Office, for 10 cents each:

"War-Racked French Ports Progress Toward Normalcy", By Ruth C. Leslie, Department of Commerce, based on reports from the American Embassy, Paris.

## Training Announcements

### **Departmental Orientation Program**

The ten-o'clock series of Departmental Orientation Conferences will be resumed in September in room 474, main State building. Topics for the first week are:

Tuesday, September 3: POLITICAL PROBLEMS OF THE AMERICAN REPUBLICS, by Ellis O. Briggs, Director, Office of American Republic Affairs

Thursday, September 5: POLITICAL PROBLEMS OF THE FAR EAST, by John Carter Vincent, Director, Office of Far Eastern Affairs

### **Foreign Service Orientation Series**

Two new classes of Vice Consuls, entering during September, will attend the nine-o'clock Foreign Service Orientation Conferences in room 474. This series covers the work of the Department and the Foreign Service and provides a survey of the major geographic areas of the world.

Other personnel of the Department and of the Foreign Service are invited to attend any or all of these talks.

Lectures for the first week in September are:

Wednesday, September 4: J. Klahr Huddle, Foreign Service officer, THE HISTORY AND ORGANIZATION OF THE FOREIGN SERVICE OF THE UNITED STATES

Friday, September 6: James Farriss, Special Assistant to the Director, Office of the Foreign Service, RELATIONS OF THE DEPARTMENT OF STATE AND FOREIGN SERVICE TO OTHER DEPARTMENTS AND AGENCIES OF THE GOVERNMENT

Detailed announcements of the series may be obtained by calling extension 3179.

Franklin Roudybush, formerly of the Foreign Liquidation Commission, Department of State, is now Registrar of the Division of Training Services. During the war, Mr. Roudybush was responsible for translation—especially of uncommon languages—in the Office of Censorship, and for special liaison with the Department. Before the war he was dean of a Foreign Service school.

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The BULLETIN Supplement, containing the draft texts of peace treaties with Italy, Bulgaria, Rumania, Hungary, and Finland, as announced in the BULLETIN of August 11, will not be published.